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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, JANUARY 14, 1998
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

4/98

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PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

COMMISSIONERS COMMENTS AND QUESTIONS.

REQUESTS FOR REHEARING:

ITEM A: Letter from Carol Brooks and Mary Joy Thomas, appellants requesting rehearing of Appeal No. 97-145, 1969 California Street. Hearing December 10, 1997. Upon motion by Commissioner Salgado, the Board voted 4-1 (Commissioner Chan dissented) to **UPHOLD** the department and **GRANT** the permit.

ITEM B: Letter from John Sanger, appellant requesting rehearing of Appeal No. 97-139, 406-410 Lombard Street. Hearing December 17, 1997. Upon motion by President Cullum, the Board voted 5-0 to **UPHOLD** the department with the revised plans submitted by the permit holder and marked Exhibit A received by the Board December 16, 1997 and **GRANT** the permit with the following **CONDITIONS:** (1) move the penthouse front wall back from the street by 4 feet; (2) reduce the size of the windscreens by 3½ feet; (3) replace the windscreen assembly which included 8" posts and casement windows with a 1½ foot clear glass frameless screen; (4) drop existing penthouse height by 2½ feet; (5) remove 15 square feet of decking in front of the penthouse; (6) drop the south parapet at the penthouse 3 feet; (7) move 3 feet of the front west parapet back 2 feet from the property line; (8) reduce the front west parapet by 3 feet.

CONSENT ITEMS: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will conduct a public hearing and then decide the appeal individually.

APPEAL NO. 97-143

SHAO HUA SITU, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[October 31, 1997, for work
[done at 4036 Mission Street.
[APPLICATION NO. 9720196.
[FOR HEARING TODAY.

APPEAL NO. 97-144

KEVIN FREST, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on November 4, 1997,
[for work done at 1920 - 20th Ave.
[APPLICATION NO. 9722301.
[FOR HEARING TODAY.

APPEAL NO. 97-151

JESUS NUNGARAY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[November 12, 1997, for work
[done at 780 Russia Avenue.
[APPLICATION NO. 9712773.
[FOR HEARING TODAY.

APPEAL NO. 97-156

(D)
JAMES TOWAN, JR., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on November 19, 1997,
[for work done at 1631 Quesada
[Avenue.
[APPLICATION NO. 9718425.
[FOR HEARING TODAY.

APPEAL NO. 97-157

(E)
ARSENIO X. LOPEZ, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[November 18, 1997, for work
[done at 1855-1859 Egbert Avenue.
[APPLICATION NO. 9604678.
[FOR HEARING TODAY.

APPEAL NO. 97-159

(F)
JOSE R. MEDINA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[November 10, 1997, for work
[done at 450 Rolph Street.
[APPLICATION NO. 9616425.
[FOR HEARING TODAY.

APPEAL NO. 97-158

(5)
MITCH FINE, JOHN GARCIA AND
VICTOR ESCLAMADO, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on November
[4, 1997, to the S.F. Redevelopment
[Agency, permit to Erect a
[Building (eight-stories with
[158 apartments, retail space and
[garages) at 399 Fourth Street.
[APPLICATION NO. 9711446S.
[FOR HEARING TODAY.

APPEAL NO. 97-164

(6)
HUGO WILDMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[19, 1997, to Helene and Wolfgang
[Schulz, permit to Erect a Building
[(private garage) at 2027 Pacific
[Avenue.
[APPLICATION NO. 9607261S.
[FOR HEARING TODAY.

APPEAL NO. V97-173

(7)
SNARLED TRAFFIC OBSTRUCTS
PROGRESS (STOP), Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on December
[10, 1997, to the City and County
[of San Francisco, Modification
[of Rear Yard Requirements
[Variance to construct a garage
[with 330 parking spaces, up to
[65 feet in height and with 10,000
[square feet of ground floor retail
[space at 741 Vallejo Street.
[VARIANCE CASE NO. 97.614V.
[FOR HEARING TODAY.

Date posted: January 8, 1998

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MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

PROCEDURE AT HEARINGS

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REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

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LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 554-9510.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, JANUARY 14, 1998
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, Mario Salgado and Mauri Schwartz.

Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **REQUESTS FOR REHEARING**:

ITEM A: Letter from Carol Brooks and Mary Joy Thomas, appellants requesting rehearing of Appeal No. 97-145, 1969 California Street. Hearing December 10, 1997. Upon motion by Commissioner Salgado, the Board voted 4-1 (Commissioner Chin dissented) to **UPHOLD** the department and **GRANT** the permit.

ACTION: Upon motion by Commissioner Salgado, the Board voted 4-0 to **RECUSE** Vice President McInerney at the request of the appellants. Then after testimony and discussion, the Board voted 4-0 to **DENY** the request for rehearing.

SPEAKERS: Mary Joy Thomas, appellant; Alice Barkley, attorney for permit holder; and Judith Boyajian, Deputy City Attorney.

Vice President McInerney left the dais at 6:15 p.m. and returned at 6:22 p.m. after the vote above.

APPEAL NO. 97-156

(D)
JAMES TOWAN, JR., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on November 19, 1997,
[for work done at 1631 Quesada
[Avenue.
[APPLICATION NO. 9718425.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $199.55 for a total of $399.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-157

(E)
ARSENIO X. LOPEZ, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[November 18, 1997, for work
[done at 1855-1859 Egbert Avenue.
[APPLICATION NO. 9604678.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $539.83 for a total of $1,079.66.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-159

(F)
JOSE R. MEDINA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[November 10, 1997, for work
[done at 450 Rolph Street.
[APPLICATION NO. 9616425.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $297.05 for a total of $594.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-158

(5)
MITCH FINE, JOHN GARCIA AND
VICTOR ESCLAMADO, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on November
[4, 1997, to the S.F. Redevelop-
[ment Agency, permit to Erect a
[Building (eight-stories with
[158 apartments, retail space and
[garages) at 399 Fourth Street.
[APPLICATION NO. 9711446S.
[FOR HEARING TODAY.

ITEM B: Letter from John Sanger, appellant requesting rehearing of Appeal No. 97-139, 406-410 Lombard Street. Hearing December 17, 1997. Upon motion by President Cullum, the Board voted 5-0 to **UPHOLD** the department with the revised plans submitted by the permit holder and marked Exhibit A received by the Board December 16, 1997 and **GRANT** the permit with the following **CONDITIONS:** (1) move the penthouse front wall back from the street by 4 feet; (2) reduce the size of the windscreens by 3½ feet; (3) replace the windscreen assembly which included 8" posts and casement windows with a 1½ foot clear glass frameless screen; (4) drop existing penthouse height by 2½ feet; (5) remove 15 square feet of decking in front of the penthouse; (6) drop the south parapet at the penthouse 3 feet; (7) move 3 feet of the front west parapet back 2 feet from the property line; (8) reduce the front west parapet by 3 feet.

ACTION: After discussion, upon motion by President Cullum, the Board voted 4-1 (Commissioner Salgado dissented) to **DENY** the request for rehearing.

SPEAKERS: John Sanger, appellant; Charles Thomas, permit holder; Judith Boyajian, Deputy City Attorney; and Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection.

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

APPEAL NO. 97-143

(A)
SHAO HUA SITU, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[October 31, 1997, for work
[done at 4036 Mission Street.
[APPLICATION NO. 9720196.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $134.55 for a total of $269.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-144

(B)
KEVIN FREST, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on November 4, 1997,
[for work done at 1920 - 16th Ave.
[APPLICATION NO. 9722301.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $85.15 for a total of $170.30.

SPEAKERS: The appellant was present but did not speak.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JANUARY 14, 1998 (cont'd.)

ACTION: CONTINUED to **January 21, 1998** at request of appellants.

SPEAKERS: Martin Eber, attorney for appellants; Les Hausrath, attorney for permit holders; Jennifer Bell, attorney for Redevelopment Agency; Ken Pressberg, permit holder; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 97-164

(6)
HUGO WILDMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[19, 1997, to Helene and Wolfgang
[Schulz, permit to Erect a Building
[(private garage) at 2027 Pacific
[Avenue.
[APPLICATION NO. 9607261S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion and findings by Vice President McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Hugo Wildman, appellant; Wolfgang Schulz, permit holder; and Susan Kridler and Paul Steigerwald, in support of permit holder.

APPEAL NO. V97-173

(7)
SNARLED TRAFFIC OBSTRUCTS
PROGRESS (STOP), Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on December
[10, 1997, to the City and County
[of San Francisco, Modification
[of Rear Yard Requirements
[Variance to construct a garage
[with 330 parking spaces, up to
[65 feet in height and with 10,000
[square feet of ground floor retail
[space at 741 Vallejo Street.
[VARIANCE CASE NO. 97.614V.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** prior to **February 4, 1998** at request of appellant with agreement of permit holder.

There being no further business, President Cullum adjourned the meeting at 7:30 p.m.

Robert H. Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, JANUARY 21, 1998
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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(1) **ANNUAL ELECTION OF BOARD OFFICERS.**

APPEAL NO. 97-158

MITCH FINE, JOHN GARCIA AND
VICTOR ESCLAMADO, Appellants
(2) vs.
DEPT. BUILDING INSPECTION, Respondent
REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on November
[4, 1997, to the S.F. Redevelopment Agency, permit to Erect a
[Building (eight-stories with
[158 apartments, retail space and
[garages) at 399 Fourth Street.
[APPLICATION NO. 9711446S.
[FOR HEARING TODAY.

(3) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(4) **COMMISSIONERS COMMENTS AND QUESTIONS.**

Items (5A) and (5B) shall be heard together

APPEAL NO. 97-079

MICHEL LE FEBVRIER & JENNIFER RICHARDSON,
Appellants
(5A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 10,
[1997, to Ravi and Carol Anand,
[permit to Alter a Building
[(demolition of existing units;
[additional plans for record
[keeping to illustrate extent
[of demolition required to
[complete remodeling approved
[under PA #9709005) at 1386-88
[10th Avenue.
[APPLICATION NO. 9710604.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 97-080

MICHEL LE FEBVRIER & JENNIFER RICHARDSON,
Appellant
(5B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 30,
[1997, Ravi and Carol Anand,
[permit to Alter a Building
[(renovate, add garage and finish
[existing basement into family
[room) at 1386-88 10th Avenue.
[APPLICATION NO. 9709005.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 96-138

NEIL CHAITIN, Appellant
(6) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[8, 1996, to Farah Champsi, permit
[to Alter a Building (horizontal
[rear addition to enlarge family
[room at first floor, enlarge bedroom at second floor and add deck
[at third floor) at 2740 Divisadero
[Street.
[APPLICATION NO. 9310717S.
[FOR HEARING TODAY.

APPEAL NO. 97-154

MARIA DEL CARMEN RAMIREZ, dba
"NUEVO RAMIREZ FLORES", Appellant
(7) vs.
ZONING ADMINISTRATOR, Respondent

[Order to cease violation of the
[Planning Code issued November
[3, 1997 by the Zoning Adminis-
[trator ordering that the retail
[open-air flower shop at 3136 -
[23rd Street cease operation
[by November 21, 1997 because it
[is located in a RH-3 zoning
[district which does not permit
[commercial uses.
[FOR HEARING TODAY.

Items (8A), (8B) and (8C) shall be heard together

APPEAL NO. 97-155

WILLIAM BUERSTER, PATRICIA CALDER,
JAMES ELLINGSEN, WILLIAM CLARK
AND SCOTT MILLER, Appellants
(8A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[3, 1997 to Noe Vista LLC, permit
[to Demolish a Building (two-story
[single family dwelling) at
[1344 Noe Street.
[APPLICATION NO. 9619625.
[FOR HEARING TODAY.

APPEAL NO. 97-167

WILLIAM BUERSTER & PATRICIA CALDER, Appellants
(8B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[25, 1997, to Noe Vista LLC, permit
[to Erect a Building (three-story
[two family dwelling) at 1346-1348
[Noe Street.
[APPLICATION NO. 9619617S.
[FOR HEARING TODAY.

APPEAL NO. 97-168

JAMES H. ELLINGSEN, Appellant
(8C) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[25, 1997, to Noe Vista LLC, permit
[to Erect a Building (three-story
[two family dwelling) at 1346-1348
[Noe Street.
[APPLICATION NO. 9619617S.
[FOR HEARING TODAY.

Date posted: January 15, 1998

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JOHN E. McINERNEY, III	VICE PRESIDENT
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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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Dept. 41

City and County of San Francisco **Board of Appeals**

PUBLIC NOTICE

The Board of Appeals has **cancelled** the meeting on **January 21, 1998** due to lack of quorum.

The next regular meeting is scheduled for **Wednesday, February 4, 1998 at 6:00 p.m.** in the War Memorial Building, 401 Van Ness Avenue, Room 428.

Any questions concerning the scheduling of hearings or any other permit appeal matter may be directed to the Board staff at 875 Stevenson Street, Room 440, telephone 554-6720.

BOARD OF APPEALS
Robert H. Feldman

Robert H. Feldman
Executive Secretary

Date this notice posted: January 21, 1998

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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, FEBRUARY 4, 1998

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **EXECUTIVE SESSION**

(A) Public comment on all matters pertaining to the closed session.

(B) Vote on whether to hold a closed session to confer with legal counsel (S.F. Administrative Code Section 67.11(a)).

(C) Closed session pursuant to Government Code Section 54956.9 and S.F. Administrative Code Section 67.11(b).

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

George Hauser and Rene Peinado, petitioners and plaintiffs
vs.
Board of Appeals, CCSF, et al., respondents and defendants
Superior Court No. 992-078
Appeal No. 97-114
1275 Lombard Street

(D) Reconvene in open session. Vote to elect whether to disclose any or all discussions held in closed session (S.F. Administrative Code Section 67.14(a)).

Regular meeting calendar begins at 6:00 p.m.

(2) **PUBLIC COMMENT**: Speakers may testify for up to three minutes. This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for calendared appeals.

(3) **ANNUAL ELECTION OF BOARD OFFICERS.**

(4) **CONSENT ITEMS**: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 98-006

(A)
MING QING CHU, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on January 13, 1998,
[for work done at 1519 - 46th Ave.
[APPLICATION NO. 9725950.
[FOR HEARING TODAY.

APPEAL NO. 98-007

(B)
NANCY WOO PAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on January 15, 1998,
[for work done at 4114 California Street.
[APPLICATION NO. 9723262.
[FOR HEARING TODAY.

APPEAL NO. 97-158

(5)
MITCH FINE, JOHN GARCIA AND
VICTOR ESCLAMADO, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on November
[4, 1997, to the S.F. Redevelopment Agency, permit to Erect a
[Building (eight-stories with
[158 apartments, retail space and
[garages) at 399 Fourth Street.
[APPLICATION NO. 9711446S.
[FOR HEARING TODAY.

APPEAL NO. V97-173

SNARLED TRAFFIC OBSTRUCTS
PROGRESS (STOP), Appellant
(6) vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on December
[10, 1997, to the City and County
[of San Francisco, Modification
[of Rear Yard Requirements
[Variance to construct a garage
[with 330 parking spaces, up to
[65 feet in height and with 10,000
[square feet of ground floor retail
[space at 741 Vallejo Street.
[VARIANCE CASE NO. 97.614V.
[FOR HEARING TODAY.

Items (7A), (7B) and (7C) shall be heard together

APPEAL NO. 97-155

WILLIAM BUERSTER, PATRICIA CALDER,
JAMES ELLINGSEN, WILLIAM CLARK
AND SCOTT MILLER, Appellants
(7A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[3, 1997 to Noe Vista LLC, permit
[to Demolish a Building (two-story
[single family dwelling) at
[1344 Noe Street.
[APPLICATION NO. 9619625.
[FOR HEARING TODAY.

APPEAL NO. 97-167

WILLIAM BUERSTER & PATRICIA CALDER, Appellants
(7B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[25, 1997, to Noe Vista LLC, permit
[to Erect a Building (three-story
[two family dwelling) at 1346-1348
[Noe Street.
[APPLICATION NO. 9619617S.
[FOR HEARING TODAY.

APPEAL NO. 97-168

JAMES H. ELLINGSEN, Appellant
(7C) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[25, 1997, to Noe Vista LLC, permit
[to Erect a Building (three-story
[two family dwelling) at 1346-1348
[Noe Street.
[APPLICATION NO. 9619617S.
[FOR HEARING TODAY.

APPEAL NO. 97-166

PLANNING AROUND DIVISADERO STREET,
Appellant
(8) vs.
ZONING ADMINISTRATOR, Respondent

[Zoning Administrator's determination dated November 24, 1997
[to Patricia Vaughey that the plans
[for the proposed Burger King
[restaurant at 500 Divisadero Street
[are in compliance with applicable
[conditions of Planning Commission
[Motion No. 10864 authorizing a
[fast food restaurant at that site
[under Conditional Use Case No.
[86.446C decided December 6, 1986.
[FOR HEARING TODAY.

(9) **COMMISSIONERS COMMENTS AND QUESTIONS.**

Date posted: January 29, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

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REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
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San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, FEBRUARY 4, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Jo Dillingham Brewer, Court Reporter, substituted for Mae J. Chu, Official Court Reporter.

(1) EXECUTIVE SESSION

(A) Public comment on all matters pertaining to the closed session.

SPEAKERS: None.

(B) Voted on whether to hold a closed session to confer with legal counsel (S.F. Administrative Code Section 67.11(a)).

ACTION: Upon motion by Commissioner Schwartz, the Board voted 5-0 to hold closed session.

(C) Closed session pursuant to Government Code Section 54956.9 and S.F. Administrative Code Section 67.11(b).

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

George Hauser and Rene Peinado, petitioners and plaintiffs
vs.
Board of Appeals, CCSF, et al., respondents and defendants
Superior Court No. 992-078
Appeal No. 97-114
1275 Lombard Street

SPEAKER: Judith Boyajian, Deputy City Attorney, advised the Board.

(D) Reconvened in open session. Voted to elect whether to disclose any or all discussions held in closed session (S.F. Administrative Code Section 67.14(a)).

ACTION: Upon motion by President Cullum, the Board voted 5-0 to not disclose any or all discussions held in closed session.

The regular meeting calendar began at 6:00 p.m.

Jo Dillingham Brewer, substituting for Mae J. Chu, swore in all those who intended to testify during the meeting.

(2) **ANNUAL ELECTION OF BOARD OFFICERS.**

ACTION: Upon motion by Commissioner Schwartz, the Board voted 5-0 to re-elect Commissioner Carole Cullum as President and Commissioner John McInerney as Vice President.

(3) **PUBLIC COMMENT:** Speakers may testify for up to three minutes. This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for calendared appeals.

SPEAKERS: None.

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

APPEAL NO. 98-006

(A)
MING QING CHU, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on January 13, 1998,
[for work done at 1519 - 46th Ave.
[APPLICATION NO. 9725950.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $378.30 for a total of $756.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-007

(B)
NANCY WOO PAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on January 15, 1998,
[for work done at 4114 Califor-
[nia Street.
[APPLICATION NO. 9723262.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $248.30 for a total of $496.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 97-158

(5)
MITCH FINE, JOHN GARCIA AND
VICTOR ESCLAMADO, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on November
[4, 1997, to the S.F. Redevelop-
[ment Agency, permit to Erect a
[Building (eight-stories with
[158 apartments, retail space and
[garages) at 399 Fourth Street.
[APPLICATION NO. 9711446S.
[FOR HEARING TODAY.

ACTION: The Board was polled to as to whether the environmental documents had been reviewed and considered. All answered "Aye". After discussion, upon motion by President Cullum, the Board voted 4-1 (Commissioner Salgado dissented) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Martin Eber, attorney for appellants; Jim Burkim, in support of appellants; Howard Wexler, attorney for permit holder; Judy Eng and Jennifer Bell for the Redevelopment Agency; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. V97-173

(6)
SNARLED TRAFFIC OBSTRUCTS
PROGRESS (STOP), Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on December
[12, 1997, to the City and County
[of San Francisco, Modification
[of Rear Yard Requirements
[Variance to construct a garage
[with 330 parking spaces, up to
[65 feet in height and with 10,000
[square feet of ground floor retail
[space at 741 Vallejo Street.
[VARIANCE CASE NO. 97.614V.
[FOR HEARING TODAY.

ACTION: Upon motion by President Cullum, the Board voted 4-0 to **RECUSE** Commissioner Chin because of a conflict of interest. Then after testimony and discussion, upon motion by Vice President McInerney, the Board voted 4-0 to **UPHOLD** the Zoning Administrator and **GRANT** the variance with findings.

SPEAKERS: Kelly Drumm, attorney for appellant; Robert Tibbits, Jonee Levy, James Norwood Pratt, Andy Katz, Arthur Chang, Joan Wood, Norman Rolfe, June Osterberg, Patricia Cady, Peter Overmire, in opposition to the project;

Rose Pak, Jasmine Kaw, Enid Ng Lim, Roger Boschetti, Harding Leong, Tiger Wong, Mel Lee, Alice Barkley, Marsha Garland, Mark J. Romero, Ray Woo, Hanna Suleiman, Ray P. Siotto, Michael Garavaglia, Rev. Norman Fong, Wil Dun, Graviamo Lucchesi, Michael Mah, Sherman Yu, in support of project; Bill Maher, Director and Donald Alangida, Project Manager, Department of Parking and Traffic and Robert Passmore, Zoning Administrator for the Planning Department.

The Board recessed from 7:24 to 7:26 p.m. and 8:30 to 8:40 pm.

Items (7A), (7B) and (7C) were heard together

APPEAL NO. 97-155

WILLIAM BUERSTER, PATRICIA CALDER,
JAMES ELLINGSEN, WILLIAM CLARK
AND SCOTT MILLER, Appellants
(7A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[3, 1997 to Noe Vista LLC, permit
[to Demolish a Building (two-story
[single family dwelling) at
[1344 Noe Street.
[APPLICATION NO. 9619625.
[FOR HEARING TODAY.

APPEAL NO. 97-167

WILLIAM BUERSTER & PATRICIA CALDER, Appellants
(7B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[25, 1997, to Noe Vista LLC, permit
[to Erect a Building (three-story
[two family dwelling) at 1346-1348
[Noe Street.
[APPLICATION NO. 9619617S.
[FOR HEARING TODAY.

APPEAL NO. 97-168

JAMES H. ELLINGSEN, Appellant
(7C) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[25, 1997, to Noe Vista LLC, permit
[to Erect a Building (three-story
[two family dwelling) at 1346-1348
[Noe Street.
[APPLICATION NO. 9619617S.
[FOR HEARING TODAY.

ACTION: Upon motion by President Cullum, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permits with the revisions to the plans as agreed to by all parties. The Honorable Susan Leal brought the parties together and mediated the settlement and plan revisions before the hearing.

SPEAKERS: Andrew Zacks, attorney for appellants; and Alice Barkley, attorney for permit holder.

The Board recessed from 9:31 to 9:32 p.m.

APPEAL NO. 97-166

(8)
PLANNING AROUND DIVISADERO STREET, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Zoning Administrator's determination dated November 24, 1997 to Patricia Vaughey that the plans for the proposed Burger King restaurant at 500 Divisadero Street are in compliance with applicable conditions of Planning Commission Motion No. 10864 authorizing a fast food restaurant at that site under Conditional Use Case No. 86.446C decided December 6, 1986.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 4-1 (Vice President McInerney dissented) to **OVERRULE** the Zoning Administrator.

SPEAKERS: Cynthia Marcucci and Patricia Vaughey, appellants; Mark Lorenzen, Valerie Hartwell, Richard Kay, Martha Goman, Greg Hansen, Steven Haigh, Deborah Glenn, Robin Endres, Lee Clinch, Gloria Tulanowski, Rick Osmon, Matthew Eber, Charles Brigolin, Robb Perry, Harry Pariser, Michelle Marzullo, David Meader, Jerry Wilder, Michael Smithwick, Tim Seufert, Gloriamarie Araneda, in support of appellants; Robert Passmore, Zoning Administrator for the Planning Department; Alice Barkley, attorney for permit holder.

(9) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

There being no further business, President Cullum adjourned the meeting at 10:41 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Jo Dillingham Brewer, the Court Reporter, (415) 386-9018.

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, FEBRUARY 11, 1998

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

APPEAL NO. 97-114

(3)
GEORGE HAUSER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on August 25, 1997,
[of permit to Alter a Building
[(merger of four dwelling units
[to two dwelling units) at
[1275 Lombard Street.
[APPLICATION NO. 9714635.
[SUPERIOR COURT NO. 992-078.
[FOR REHEARING ON REMAND TODAY.

APPEAL NO. 97-175

(4)
JIM CHEW, dba "TLC SPA", Appellant
vs.
POLICE DEPARTMENT, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on August 5, 1997,
[(jurisdiction granted by Board
[of Appeals on December 10,
[1997) of massage establishment
[permit at 1785 Bancroft Avenue.
[FOR HEARING TODAY.

APPEAL NO. 97-174

(5)
HARSCH INVESTMENT CORP., dba
"ALLISON HOTEL", Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Denial on Harsch Investment Corp.
[on December 9, 1997, by the
[Department of Building Inspection of permit application
[to convert the Allison Hotel
[at 417 Stockton Street from
[residential to tourist use
[under Chapter 41 of the S.F.
[Administrative Code, the Resitial Hotel Unit Conversion
[Ordinance.
[FOR HEARING TODAY.

APPEAL NO. 97-172

(6)
TERRANCE LEE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December
[12, 1997, to Reina Lopez, permit
[to Alter a Building (replace
[existing wood fence with eight
[foot cinder block fence on side
[and rear of property) at
[130 - 27th Street.
[APPLICATION NO. 9723036.
[FOR HEARING TODAY.

APPEAL NO. 97-176

(7) FAITH RAIDER, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated December
[8, 1997, addressed to McDonald's
[Corp., Opus National LLC, and
[Marriott, International, Inc.,
[project sponsors, that the pro-
[posed clinic and retail uses fail
[to comply with Planning Commission
[Motion No. 13790 which authorized
[the mixed-use project at 600
[Van Ness Avenue, and the lack
[of an item in the determination
[on the changes to the project's
[open space plan leaves the public
[without an opportunity to appeal
[the changes.
[FOR HEARING TODAY.

(8) Report by Executive Secretary on management goals' progress.

Date posted: February 5, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
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MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 554-9510.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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tations in order to minimize delay to those in attendance for appeals

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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, FEBRUARY 11, 1998
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

Commissioner Schwartz welcomed Laurence Kornfield back from sick leave and requested that copies of the pending calendars be included in the Commissioners' packets.

President Cullum thanked Susan Leal for mediating a difficult case last week and asked the executive secretary to draft a thank you letter for President Cullum's signature.

APPEAL NO. 97-114

(3) GEORGE HAUSER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on August 25, 1997,
[of permit to Alter a Building
[(merger of four dwelling units
[to two dwelling units) at
[1275 Lombard Street.
[APPLICATION NO. 9714635.
[SUPERIOR COURT NO. 992-078.
[FOR REHEARING ON REMAND TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to **RECUSE** Vice President McInerney because of a conflict interest. Then after testimony and discussion, upon motion by Commissioner Salgado, the Board voted 4-0 to **OVERRULE** department and **GRANT** the permit with findings by the the attorney for appellant to be adopted at a later date.

SPEAKERS: Carlos Alvarez, attorney for appellant; F. Joseph Butler, Francisco Centurion, Tim Covington, in support of the Zoning Administrator; Robert Passmore, Zoning Administrator; and Judith Boyajian, Deputy City Attorney.

Vice President McInerney left the dais at 6:15 p.m. and returned after item was concluded at 6:59 p.m. The Board recessed from 6:50 to 6:54 p.m.

APPEAL NO. 97-175

(4)
JIM CHEW, dba "TLC SPA", Appellant
vs.
POLICE DEPARTMENT, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on August 5, 1997,
[(jurisdiction granted by Board
[of Appeals on December 10,
[1997) of massage establishment
[permit at 1785 Bancroft Avenue.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **March 18, 1998** at the request of the attorney for the appellant, with the agreement of the Police Department.

APPEAL NO. 97-174

(5)
HARSCH INVESTMENT CORP., dba
"ALLISON HOTEL", Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Denial on Harsch Investment Corp.
[on December 9, 1997, by the
[Department of Building Inspec-
[tion of permit application
[to convert the Allison Hotel
[at 417 Stockton Street from
[residential to tourist use
[under Chapter 41 of the S.F.
[Administrative Code, the Resi-
[tial Hotel Unit Conversion
[Ordinance.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 4-1 (Vice President McInerney dissented) to **UPHOLD** the department **DENIAL** of the permit with findings prepared by the City Attorney.

SPEAKERS: Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Andrew Zacks, attorney for appellant; and Judith Boyajian, Deputy City Attorney.

tations in order to minimize delay to those in attendance for appeals

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, FEBRUARY 11, 1998 (cont'd.)

APPEAL NO. 97-172

(6)
TERRANCE LEE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December
[12, 1997, to Reina Lopez, permit
[to Alter a Building (replace
[existing wood fence with eight
[foot cinder block fence on side
[and rear of property) at
[130 - 27th Street.
[APPLICATION NO. 9723036.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **April 1, 1998** at the request of the permit holder.

APPEAL NO. 97-176

(7)
FAITH RAIDER, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated December
[8, 1997, addressed to McDonald's
[Corp., Opus National LLC, and
[Marriott, International, Inc.,
[project sponsors, that the pro-
[posed clinic and retail uses fail
[to comply with Planning Commission
[Motion No. 13790 which authorized
[the mixed-use project at 600
[Van Ness Avenue, and the lack
[of an item in the determination
[on the changes to the project's
[open space plan leaves the public
[without an opportunity to appeal
[the changes.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** by fax at 5:00 p.m. by appellant.

(8) Report by Executive Secretary on management goals' progress. The Board recommended ways questionnaire can be distributed for greater response.

Mr. Feldman thanked Mr. Kornfield for repairing Commissioner Chin's microphone stand before the hearing.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, FEBRUARY 11, 1998 (cont'd.)

There being no further business, President Cullum adjourned the meeting at 7:21 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, FEBRUARY 18, 1998

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **ADOPTION OF FINDINGS**: Appeal No. 97-114, 1275 Lombard Street. Hearing February 11, 1998. Upon motion by Commissioner Chin, the Board voted 4-0 to **RECUSE** Vice President McInerney because of a conflict of interest. Then after testimony and discussion, upon motion by Commissioner Salgado, the Board voted 4-0 to **OVERRULE** the department and **GRANT** the permit with findngs to be prepared by the appellant's attorney.

APPEAL NO. 97-171

(4)
SAVERNE PROPERTIES, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on December 2, 1997,
[of permit to remove and
[replace four trees in front
[of 490 Pacific Avenue.
[ORDER NO. 170,757.
[FOR HEARING TODAY.

APPEAL NO. 98-002

(5)
ROSALIND SCOTT, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December
[24, 1997, to Denis McMahon,
[permit to Erect a Building
[(six live/work units) at
[21 Stillman Street.
[APPLICATION NO. 9707495.
[FOR HEARING TODAY.

APPEAL NO. V98-001

(6)
LUIS FELLER, ROLAND FELLER,
MARK JANSEN & BARBARA KIBBY, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on December 23, 1997,
[of Rear Yard Variance (to allow
[the retention of a deck at the
[rear of the subject property
[built without permit) at 3825-
[3827 25th Street.
[VARIANCE CASE NO. 97.791V.
[FOR HEARING TODAY.

APPEAL NO. 97-165

(7)
BHAZUBHAI C. PATEL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination addressed to
[Timothy J. Lee of the Tender-
[loin Housing Clinic dated
[November 19, 1997 by the Zoning
[Administrator that the Beach
[Motel at 4201 Judah Street owned
[by Bhazubhai C. Patel is not a
[legal non-conforming commercial
[use and is classified as a 100%
[residential hotel and cannot be
[operated as a tourist motel.
[FOR HEARING TODAY.

Date posted: February 12, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Carole Cullum, President, and be received at the Board office, 875 Stevenson Street, Room 440, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and nine copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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City and County of San Francisco
Board of Appeals
875 Stevenson Street Room 440
San Francisco, CA 94103
PHONE: (415) 554-6720
FAX: (415) 554-5249

Questionnaire

The Board of Appeals requests your assistance in improving the appeals process. Please evaluate our procedures, staff responsiveness, materials, locations, and fairness, and provide comments/suggestions on how we can better serve you.

Please mail the completed form by February 13, 1998 to Board of Appeals, 875 Stevenson Street Room 440, San Francisco, CA 94103, or fax it to (415) 554-5249. Comments on additional sheets of paper are welcome.

I. Please check the category that describes your involvement with the Board of Appeals and your work:

☐ Appellant
☐ Permit Holder
☐ Concerned Neighbor
☐ City Employee
☐ Attorney
☐ Engineer
☐ Designer
☐ Architect
☐ Planner
☐ Consultant

II. Please evaluate the following on a scale of one *(unacceptable)* to five *(excellent)* by checking the appropriate box:

	1	2	3	4	5
Staff's helpfulness and responsiveness to inquiries					
Usefulness of procedure sheets and handouts					
Location of office at 875 Stevenson Street, Room 440					
Accessibility of office for the elderly and disabled					
Location of hearings at 401 Van Ness Avenue, Room 428					
Accessibility of hearing room for the elderly and disabled					
Sound quality in Room 428 at 401 Van Ness Avenue					
Seating quality in Room 428 at 401 Van Ness Avenue					
Starting Board of Appeals meetings at 6:00 p.m.					
Holding Board of Appeals meetings on Wednesday					
Board rules for presentations at hearing					
Board rules for submittals of written material					
Fairness of process to appellants					
Fairness of process to permit holders					
Fairness of process to concerned neighbors					
Fairness of process to City departments					

III. **A.** Comments on above evaluations :

B. What aspect of the operation of the Board of Appeals would you most like to see retained?

C. What aspect of the operation of the Board of Appeals would you most like to see changed?

Thank you for providing your evaluations and comments. These forms will be tabulated and a summary of the evaluations and comments will be sent to the Commissioners of the Board of Appeals to assist them in planning for the future. If you would like to receive a copy of the summary, please print your name, address and fax number in the space below. If you wish to remain anonymous, copies of the summary will be available in the Board office during March, 1998 Please call the Board of Appeals at (415) 554-6720 for information on availability at that time.

Name____________________ Date__________

Address____________________ City__________ Zip________

Prepared by Board of Appeals Staff on December 20, 1997

Fax (________) ________________

CITY & COUNTY OF
SAN FRANCISCO
BOARD OF APPEALS
875 STEVENSON ST., #440
SAN FRANCISCO, CA 94103

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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, FEBRUARY 18, 1998
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **ADOPTION OF FINDINGS:** Appeal No. 97-114, 1275 Lombard Street. Hearing February 11, 1998. Upon motion by Commissioner Chin, the Board voted 4-0 to **RECUSE** Vice President McInerney because of a conflict of interest. Then after testimony and discussion, upon motion by Commissioner Salgado, the Board voted 4-0 to **OVERRULE** the department and **GRANT** the permit with findngs to be prepared by the appellant's attorney.

ACTION: Upon motion by Vice President McInerney, the Board voted 4-0 to **RECUSE** Vice President McInerney because of a conflict of interest. Then upon motion by Commissioner Salgado, the Board voted 4-0 to **ADOPT** findings.

Vice President McInerney left the dais at 6:10 p.m. and returned at 6:11 p.m. before item 4 was called.

APPEAL NO. 97-171

SAVERNE PROPERTIES, Appellant
(4) vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on December 2, 1997,
[of permit to remove and
[replace four trees in front
[of 490 Pacific Avenue.
[ORDER NO. 170,757.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the permit with findings and the **CONDITION** that the appellant use 48" boxes for the replacement trees.

SPEAKERS: John Fournet for Department of Public Works, Street Use & Mapping; and Mark Cavagnero, project architect and Roy Leggitt, certified arborist for appellants.

APPEAL NO. 98-002

ROSALIND SCOTT, Appellant
(5) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December
[24, 1997, to Denis McMahon,
[permit to Erect a Building
[(six live/work units) at
[21 Stillman Street.
[APPLICATION NO. 9707495.
[FOR HEARING TODAY.

ACTION: Upon motion by President Cullum, the Board voted 4-0 to **RECUSE** Vice President McInerney because of a conflict of interest, and he left the dais at 6:34 p.m. Then after testimony and discussion, upon motion by Commissioner Salgado, the Board voted 2-2 (President Cullum and Commissioner Chin dissented) to overrule the department and deny the permit. Four votes are needed and the motion failed. The permit is **UPHELD**.

SPEAKERS: Rosalind Scott, appellant; Alice Barkley, attorney for permit holder; Brian Bach, in support of permit holder; David Sternberg, architect for permit holder; Robert Passmore, Zoning Administrator for the Planning Department; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

The Board recessed from 7:16 to 7:30 p.m. Vice President McInerney returned to the dais at 7:30 p.m.

APPEAL NO. V98-001

LUIS FELLER, ROLAND FELLER,
MARK JANSEN & BARBARA KIBBY, Appellants
(6) vs.
ZONING ADMINISTRATOR, Respondent

[Denial on December 23, 1997,
[of Rear Yard Variance (to allow
[the retention of a deck at the
[rear of the subject property
[built without permit) at 3825-
[3827 25th Street.
[VARIANCE CASE NO. 97.791V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 2-3 (President Cullum, Commissioners Chin and Salgado dissented) to uphold the department and deny the variance. Then upon motion by President Cullum, the Board voted 4-1 (Vice President McInerney dissented) to **OVERRULE** the Zoning Administrator and **GRANT** the variance with findings submitted by the appellants.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; and John Peterson, architect for appellants.

APPEAL NO. 97-165

(7) BHAZUBHAI C. PATEL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination addressed to
[Timothy J. Lee of the Tender-
[loin Housing Clinic dated
[November 19, 1997 by the Zoning
[Administrator that the Beach
[Motel at 4201 Judah Street owned
[by Bhazubhai C. Patel is not a
[legal non-conforming commercial
[use and is classified as a 100%
[residential hotel and cannot be
[operated as a tourist motel.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 1-4 (President Cullum, Vice President McInerney, Commissioners Chin and Schwartz dissented) to uphold the Zoning Administrator. Two votes are needed and the motion fails. Then upon motion by Commissioner Schwartz, the Board voted 3-2 (President Cullum and Commissioner Salgado dissented) to overrule the Zoning Administrator. Four votes are needed and the motion fails. The Zoning Administrator is **UPHELD**.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Andrew Schwartz and Judith Boyajian, Deputy City Attorneys; Andrew Zacks, attorney for appellant; Randy Shaw, R.G. Goudy, Ana B. Arguello, Bill Soro, Allen Steele, Wai Ching Kwan, Diane Payne, Prince Bush, Eden Felt, James Murray, Garth Ferguson, Timothy Lee, Alvin Sered, in support of Zoning Administrator; Bhazubhai Patel, appellant; and B.J. Patel, Rose Tsai, Wai Ming Wong, Jim Scully, Peter Chung, Jay Parks, Malcolm Perkins, Vivian Goodwin, Jeff Curtis, Jeni Fong, Jim Holeman, Louis Chan, Ritva Kaje, Ilya Kaushtedt, Hanna An, John Keating, Sammy Au, Precios Agoshin, Sue Wong, John Goodwin, Danny Good, John Maguire, Sally Yu, Patty Sing, Lorraine Lucas, Sam Patel, Patrick Maguire, Dan Maguire, Frank Sher, Philip McDonald, Joe Poon, Marion Aires, Judy Lee, in support of the appellant.

The Board recessed from 8:32 to 8:43 p.m. and 9:59 to 10:11 p.m.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, FEBRUARY 18, 1998 (cont'd.)

There being no further business, President Cullum adjourned the meeting at 11:26 p.m.

Robert H Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MARCH 4, 1998

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUESTS FOR REHEARING:**

ITEM A: Letter from Neil D. Eisenberg, attorney for Mitch Fine and Armstrong Painting and Roofing, appellants, requesting rehearing of Appeal No. 97-158, 399 Fourth Street. Hearing February 4, 1998. The Board was polled as to whether the environmental documents had been reviewed and considered. All answered "Aye". After discussion, upon motion by President Cullum, the Board voted 4-1 (Commissioner Salgado dissented) to **UPHOLD** the department and **GRANT** the permit.

ITEM B: Letters from Norman Lew, attorney for K.K.L. Cab Company, Inc. and Huey, Inc., requesting rehearing of Appeal No. 97-093 and Thomas J. Owen, Deputy City Attorney requesting rehearing of Appeal Nos. 97-092 through 97-096. Denial of stock transfer requests by the Police Commission. Hearing October 8, 1997. Upon motion by Commissioner Schwartz, the Board voted 4-1 (Commissioner Salgado dissented) to **OVERRULE** the Police Commission with findings and **CONDITIONALLY GRANT** the requests for transfers and redemptions when the cumulative transfer of stock ownership or assets of a corporate permitee equals or exceeds 10% of total of stock ownership or assets, then a prorated number of corporately owned permits shall be revoked by the Police Department according to the following formula: the number of permits to be revoked equals the cumulative transfer percentage times the total number of corporate permits (rounded).

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 98-013

(A)
KIT TANG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[February 4, 1998, for work
[done at 259 Brussels Street.
[APPLICATION NO. 9800483.
[FOR HEARING TODAY.

APPEAL NO. 98-014

(B)
JAMES GRIMES, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[February 6, 1998, for work
[done at 1919 Oakdale Avenue.
[APPLICATION NO. 9712382.
[FOR HEARING TODAY.

APPEAL NO. 98-018

(C)
CHOI HA LAI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on February 11, 1998,
[for work done at 806 - 35th Ave.
[APPLICATION NO. 9725733.
[FOR HEARING TODAY.

APPEAL NO. 98-019

(D) WARREN McKAY, JR., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on February 10, 1998,
[for work done at 540 Hayes Street.
[ELECTRICAL PERMIT NO. E177358.
[FOR HEARING TODAY.

APPEAL NO. 98-003

(5) DENNIS & CAROL HAMBY, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on December 24, 1997,
[of permit to Alter a Building
[(extend garage and add new
[door) at 1334 Masonic Avenue.
[APPLICATION NO. 9704152.
[FOR HEARING TODAY.

APPEAL NO. 96-138

(6) NEIL CHAITIN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[8, 1996, to Farah Champsi, permit
[to Alter a Building (horizontal
[rear addition to enlarge family
[room at first floor, enlarge bed-
[room at second floor and add deck
[at third floor) at 2740 Divisadero
[Street.
[APPLICATION NO. 9310717S.
[FOR HEARING TODAY.

APPEAL NO. 98-005

(7) PRESERVE OUR NEIGHBORHOODS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on December
[24, 1997, to The Good Guys!,
[permit to Alter a Building
[(tenant improvement at lower
[and main floors; new retaining
[wall at lower level; new pas-
[senger elevator to serve all
[levels; interior remodel) at
[3201 - 20th Avenue.
[APPLICATION NO. 9724916.
[FOR HEARING TODAY.

(8) **Departmental budget for Fiscal Year 1998-1999**: For public hearing, consideration and adoption.

Date posted: February 26, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

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In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

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Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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Larkin/Grove Sts.
Dept. 41

PUBLIC COMMENT: This period is limited to 15

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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, MARCH 4, 1998
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **REQUESTS FOR REHEARING:**

ITEM A: Letter from Neil D. Eisenberg, attorney for Mitch Fine and Armstrong Painting and Roofing, appellants, requesting rehearing of Appeal No. 97-158, 399 Fourth Street. Hearing February 4, 1998. The Board was polled as to whether the environmental documents had been reviewed and considered. All answered "Aye". After discussion, upon motion by President Cullum, the Board voted 4-1 (Commissioner Salgado dissented) to **UPHOLD** the department and **GRANT** the permit.

ACTION: **WITHDRAWN** at hearing by attorney for appellants.

ITEM B: Letters from Norman Lew, attorney for K.K.L. Cab Company, Inc. and Huey, Inc., requesting rehearing of Appeal No. 97-093 and Thomas J. Owen, Deputy City Attorney requesting rehearing of Appeal Nos. 97-092 through 97-096. Denial of stock transfer requests by the Police Commission. Hearing October 8, 1997. Upon motion by Commissioner Schwartz, the Board voted 4-1 (Commissioner Salgado dissented) to **OVERRULE** the Police Commission with findings and **CONDITIONALLY GRANTS** the requests for transfers and redemptions when the cumulative transfer of stock ownership or assets of a corporate permitee equals or exceeds 10% of total of stock ownership or assets, then a prorated number of corporately owned permits shall be revoked by the Police Department according to the following formula: the number of permits to be revoked equals the cumulative transfer percentage times the total number of corporate permits (rounded).

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 5-0 to **CONTINUE** the matter one week to allow parties to submit briefs, due Monday, **March 9, 1998** by fax.

SPEAKERS: Norman Lew, attorney for K.K.L. and Huey, Inc.; Judith Boyajian and Thomas Owen, Deputy City Attorneys; Robert McCarthy, attorney for Veterans Taxicab, Luxor Cabs and Twin Peaks Transportation, opposed to rehearing; Julie Sims, read a letter from Senator Quentin Kopp; and Mark Gruberg, United Taxicab Workers.

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote on items 4A and 4C without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board took testimony on items 4B and 4D and decided the appeals individually.

APPEAL NO. 98-013

(A)
KIT TANG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[February 4, 1998, for work
[done at 259 Brussels Street.
[APPLICATION NO. 9800483.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 5-0 to **OVERUL** the department with the **CONDITION** that the penalty be reduced to tw times the regular fee of $215.80 for a total of $431.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-014

(B)
JAMES GRIMES, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[February 6, 1998, for work
[done at 1919 Oakdale Avenue.
[APPLICATION NO. 9712382.
[FOR HEARING TODAY.

ACTION: After testimony and discussion, upon motion by Commissioner Chin, th Board voted 3-2 (President Cullum and Vice President McInerney dissented to overrule the department with the condition that the penalty be reduce to two times the regular fee of $183.30 for a total of $366.60. Fou votes are needed and the motion fails. Then upon motion by Presiden Cullum, the Board voted 5-0 to **OVERRULE** the department with the **CONDITIO** that the penalty be reduced to three times the regular fee of $183.3 for a total of $549.90.

SPEAKERS: James Grimes, appellant; Herb Bergans, in support of appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 98-018

(C)
CHOI HA LAI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on February 11, 1998,
[for work done at 806 - 35th Ave.
[APPLICATION NO. 9725733.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $225.51 for a total of $451.02.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-019

(D)
WARREN McKAY, JR., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on February 10, 1998,
[for work done at 540 Hayes Street.
[ELECTRICAL PERMIT NO. E177358.
[FOR HEARING TODAY.

ACTION: After testimony and discussion, upon motion by Vice President McInerney, the Board voted 3-2 (Commissioners Schwartz and Salgado dissented) to overrule the department with the condition that the penalty be reduced to three times the regular fee of $236.17 for a total of $708.51. Four votes are needed and the motion fails. Then upon motion by by Commissioner Salgado, the Board voted 2-3 (Vice President McInerney, Commissioners Chin and Salgado dissented) to overrule the department and reduce the penalty to five times the regular fee of $236.17 for a total of $1,180.85. Four votes are needed and the motion fails. Then upon motion by Commissioner Chin, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to six times the regular fee of $236.17 for a total of $1,417.02.

SPEAKERS: Warren McKay, appellant; Sarkis Khanzadian, in support of appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 98-003

(5)
DENNIS & CAROL HAMBY, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on December 24, 1997,
[of permit to Alter a Building
[(extend garage and add new
[door) at 1334 Masonic Avenue.
[APPLICATION NO. 9704152.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing to **May 6, 1998** at request of appellants.

APPEAL NO. 96-138

(6)
NEIL CHAITIN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[8, 1996, to Farah Champsi, permit
[to Alter a Building (horizontal
[rear addition to enlarge family
[room at first floor, enlarge bed-
[room at second floor and add deck
[at third floor) at 2740 Divisadero
[Street.
[APPLICATION NO. 9310717S.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** at hearing to **April 22, 1998** with agreement of the parties.

SPEAKER: Farah Champsi, permit holder.

APPEAL NO. 98-005

(7)
PRESERVE OUR NEIGHBORHOODS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on December
[24, 1997, to The Good Guys!,
[permit to Alter a Building
[(tenant improvement at lower
[and main floors; new retaining
[wall at lower level; new pas-
[senger elevator to serve all
[levels; interior remodel) at
[3201 - 20th Avenue.
[APPLICATION NO. 9724916.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by appellant.

(8) **Departmental budget for Fiscal Year 1998-1999:** For public hearing, consideration and adoption.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 5-0 to **ADOPT** the budget.

There being no further business, President Cullum adjourned the meeting at 7:21 p.m.

Robert H. Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MARCH 11, 1998

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

COMMISSIONERS COMMENTS AND QUESTIONS.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR REHEARING:

ITEM A: Letters from Norman Lew, attorney for K.K.L. Cab Company, Inc. and Huey, Inc., requesting rehearing of Appeal No. 97-093 and Thomas J. Owen, Deputy City Attorney requesting rehearing of Appeal Nos. 97-092 through 97-096. Denial of stock transfer requests by the Police Commission. Hearing October 8, 1997. Upon motion by Commissioner Schwartz, the Board voted 4-1 (Commissioner Salgado dissented) to **OVERRULE** the Police Commission with findings and **CONDITIONALLY GRANTS** the requests for transfers and redemptions when the cumulative transfer of stock ownership or assets of a corporate permitee equals or exceeds 10% of total of stock ownership or assets, then a prorated number of corporately owned permits shall be revoked by the Police Department according to the following formula: the number of permits to be revoked equals the cumulative transfer percentage times the total number of corporate permits (rounded).

ITEM B: Letter from Andrew M. Zacks, attorney for Harsch Investment Corp., appellant, requesting rehearing of Appeal No. 97-174, The Allison Hotel at 417 Stockton Street. Hearing February 11, 1998. Upon motion by President Cullum, the Board voted 4-1 (Vice President McInerney dissented) to **UPHOLD** the department **DENIAL** of the permit with findings prepared by the City Attorney.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM C: Letter from Thomas Clothier requesting that the Board take jurisdiction over Building Permit Application No. 9801980 issued to Maria Wilcosky for foundation work at 3310 Baker Street.

Date issued	February 5, 1998
Last day to appeal	February 20, 1998
Request for jurisdiction	February 24, 1998

ems (4A) and (4B) shall be heard together

APPEAL NO. 97-079

MICHEL LE FEBVRIER & JENNIFER RICHARDSON,
Appellants
A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 10,
[1997, to Ravi and Carol Anand,
[permit to Alter a Building
[(demolition of existing units;
[additional plans for record
[keeping to illustrate extent
[of demolition required to
[complete remodeling approved
[under PA #9709005) at 1386-88
[10th Avenue.
[APPLICATION NO. 9710604.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 97-080

(4B)
MICHEL LE FEBVRIER & JENNIFER RICHARDSON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 30, 1997, Ravi and Carol Anand, permit to Alter a Building (renovate, add garage and finish existing basement into family room) at 1386-88 10th Avenue.
[APPLICATION NO. 9709005.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 97-170

(5)
ALBERT & FRANCES BRUNDAGE, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on December 15, 1997, of permit to Alter a Building (new roof over existing patio with skylights) at 15 Montclair Terrace.
[APPLICATION NO. 9719397.
[FOR HEARING TODAY.

APPEAL NO. 98-009

(6)
CITIZENS FOR HONEST LIVE/WORK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January 7, 1998, to ELH LLC, permit to Erect a Building (15 live/work units) at 1488 Harrison Street.
[APPLICATION NO. 9716562S.
[FOR HEARING TODAY.

APPEAL NO. 98-016

(7)
MARCIA LIBERMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January 26, 1998, to Bertha Flores, permit to Alter a Building (waterproof and underpin foundation wall at south property line; replace 1/2 slab; add perforated drain below slab; relocate existing hot water and heater) at 307 Bocana Street.
[APPLICATION NO. 9722650.
[FOR HEARING TODAY.

APPEAL NO. 98-012

(8)
CURTIS & NANCY DAVIES, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination addressed to Owners and Residents of 1220 Jones Stree dated January 21, 1998, that the rooftop structures that existed at 73-75 Pleasant Street prior to alterations recently commenced under BPA No. 9708689 comply with the conditional use authorized by the Planning Commission on January 7, 1982 (Resolution No. 9270); replacing the glass roof of the penthouse "greenhouse" room at the top of the building with opaque non-glass material does not constitute a significant modification of the conditional use; and that Resolution No. 9270 did not preclude the penthouse "greenhouse" room from being used as occupied floor space (by plant or people).
[FOR HEARING TODAY.

Date posted: March 5, 1998

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City and County of San Francisco
Board of Appeals
875 Stevenson Street Room 440 San Francisco, CA 94103
PHONE: (415) 554-6720 FAX: (415) 554-5249

Questionnaire

The Board of Appeals requests your assistance in improving the appeals process. Please evaluate our procedures, staff responsiveness, materials, locations, and fairness, and provide comments/suggestions on how we can better serve you.

Please mail the completed form by February 13, 1998 to Board of Appeals, 875 Stevenson Street Room 440, San Francisco, CA 94103, or fax it to (415) 554-5249. Comments on additional sheets of paper are welcome.

I. Please check the category that describes your involvement with the Board of Appeals and your work:

☐ Appellant
☐ Permit Holder
☐ Concerned Neighbor
☐ City Employee
☐ Attorney
☐ Engineer
☐ Designer
☐ Architect
☐ Planner
☐ Consultant

II. Please evaluate the following on a scale of one *(unacceptable)* to five *(excellent)* by checking the appropriate box:

	1	2	3	4	5
Staff's helpfulness and responsiveness to inquiries					
Usefulness of procedure sheets and handouts					
Location of office at 875 Stevenson Street, Room 440					
Accessibility of office for the elderly and disabled					
Location of hearings at 401 Van Ness Avenue, Room 428					
Accessibility of hearing room for the elderly and disabled					
Sound quality in Room 428 at 401 Van Ness Avenue					
Seating quality in Room 428 at 401 Van Ness Avenue					
Starting Board of Appeals meetings at 6:00 p.m.					
Holding Board of Appeals meetings on Wednesday					
Board rules for presentations at hearing					
Board rules for submittals of written material					
Fairness of process to appellants					
Fairness of process to permit holders					
Fairness of process to concerned neighbors					
Fairness of process to City departments					

III. **A.** Comments on above evaluations :

____

____

B. What aspect of the operation of the Board of Appeals would you most like to see retained?

____

____

C. What aspect of the operation of the Board of Appeals would you most like to see changed?

____

____

Thank you for providing your evaluations and comments. These forms will be tabulated and a summary of th evaluations and comments will be sent to the Commissioners of the Board of Appeals to assist them in planning for th future. If you would like to receive a copy of the summary, please print your name, address and fax number in the spac below. If you wish to remain anonymous, copies of the summary will be available in the Board office during March, 199 Please call the Board of Appeals at (415) 554-6720 for information on availability at that time.

Name______________________________Date__________

Address______________________________City______________Zip________

Fax (________) ______________

Prepared by Board of Appeals Staff on December 20, 1997

CITY & COUNTY OF
SAN FRANCISCO
BOARD OF APPEALS
875 STEVENSON ST., #440
SAN FRANCISCO, CA 94103

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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, MARCH 11, 1998
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Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: Sue Hestor stated that Vice President McInerney should not participate in live/work cases.

Jeff Sheely, Michael Spain, Robert McCarthy, Julie Sims, Mark Gruberg, Thomas Owen, and Jane Bolig, spoke regarding the request for rehearing for the taxicab stock transfers.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKER: Commissioner Schwartz remarked that she cannot read material submitted at the hearing and listen to testimony at the same time.

(3) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR REHEARING:

ITEM A: Letters from Norman Lew, attorney for K.K.L. Cab Company, Inc. and Huey, Inc., requesting rehearing of Appeal No. 97-093 and Thomas J. Owen, Deputy City Attorney requesting rehearing of Appeal Nos. 97-092 through 97-096. Denial of stock transfer requests by the Police Commission. Hearing October 8, 1997. Upon motion by Commissioner Schwartz, the Board voted 4-1 (Commissioner Salgado dissented) to **OVERRULE** the Police Commission with findings and **CONDITIONALLY GRANTS** the requests for transfers and redemptions when the cumulative transfer of stock ownership or assets of a corporate permitee equals or exceeds 10% of total of stock ownership or assets, then a prorated number of corporately owned permits shall be revoked by the Police Department according to the following formula: the number of permits to be revoked equals the cumulative transfer percentage times the total number of corporate permits (rounded).

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **GRANT** rehearing and scheduled it for **April 1, 1998.**

SPEAKERS: None. (Speakers spoke under Public Comment, Item 1.)

ITEM B: Letter from Andrew M. Zacks, attorney for Harsch Investment Corp., appellant, requesting rehearing of Appeal No. 97-174, The Allison Hotel at 417 Stockton Street. Hearing February 11, 1998. Upon motion by President Cullum, the Board voted 4-1 (Vice President McInerney dissented) to **UPHOLD** the department **DENIAL** of the permit with findings prepared by the City Attorney.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 4-1 (Vice President McInerney dissented) to **DENY** the request for rehearing.

SPEAKER: Andrew M. Zacks, attorney for appellant.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM C: Letter from Thomas Clothier requesting that the Board take jurisdiction over Building Permit Application No. 9801980 issued to Maria Wilcosky for foundation work at 3310 Baker Street.

Date issued	February 5, 1998
Last day to appeal	February 20, 1998
Request for jurisdiction	February 24, 1998

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-1 (Commissioner Salgado dissented) to **DENY** the request for jurisdiction.

SPEAKERS: Allan E. Low, attorney for permit holder; Brian Hunter, attorney fo Thomas Clothier; and Laurence Kornfield, Chief Building Inspector fo the Department of Building Inspection.

Items (4A) and (4B) were heard together

APPEAL NO. 97-079

(4A)	MICHEL LE FEBVRIER & JENNIFER RICHARDSON, Appellants vs. DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	[Protesting issuance on June 10, 1997, to Ravi and Carol Anand, permit to Alter a Building (demolition of existing units; additional plans for record keeping to illustrate extent of demolition required to complete remodeling approved under PA #9709005) at 1386-88 10th Avenue. [APPLICATION NO. 9710604. [FOR FURTHER HEARING TODAY.

APPEAL NO. 97-080

(4B)	MICHEL LE FEBVRIER & JENNIFER RICHARDSON, Appellant vs. DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	[Protesting issuance on May 30, 1997, Ravi and Carol Anand, permit to Alter a Building (renovate, add garage and finish existing basement into family room) at 1386-88 10th Avenue. [APPLICATION NO. 9709905. [FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permits with the **CONDITION** that (1) work proceed and tenants not be displaced from building; (2) DBI to review and charge any additional fees if scope of work requires it; (3) permit holder not precluded from passing along costs after work is completed under the Rent Ordinance.

SPEAKERS: Chanler Sparler, attorney for appellants; Edward Printz, attorney for permit holder; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

The Board recessed from 7:15 to 7:29 p.m.

APPEAL NO. 97-170

(5)	ALBERT & FRANCES BRUNDAGE, Appellants vs. DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	[Denial on December 15, 1997, of permit to Alter a Building (new roof over existing patio with skylights) at 15 Montclair Terrace. [APPLICATION NO. 9719397. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 5-0 to **OVERRULE** the department with findings and **GRANT** the permit.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Frances Brundage, appellant; and Gary Kerns, contractor for appellants.

APPEAL NO. 98-009

(6)
CITIZENS FOR HONEST LIVE/WORK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January
[7, 1998, to ELH LLC, permit to
[Erect a Building (15 live/work
[units) at 1488 Harrison Street.
[APPLICATION NO. 9716562S.
[FOR HEARING TODAY.

ACTION: The Board was polled as to whether the Negative Declaration and eniron-mental documents had been reivewed and considered. All answered "Aye". After discussion, upon motion by President Cullum, the Board voted 4-1 (Commissioner Schwartz dissented) to **UPHOLD** the department and **GRANT** the permit with the following **CONDITIONS:** (1) That the permit holder shall follow the soundproofing recommendations of the sound consultant Charles M. Salter Associates, Inc. after tests at 10 p.m. and 3 a.m. on a Friday night. (2) That the permit holder shall record on the land records a revised Notice of Special Restrictions with a Section 6(F) which shall specifically warn buyers of units that there are numerous nightclubs and restaurants in the area and that there is a nightclub located next door to the subject site which is open until 6 a.m. (3) Item 2 of said revised Notice of Special Restrictions submitted by the permit holder shall be modified to replace the word "to" with "must" after "activities" and shall add "and" in line 2 after "units" and before "shall". (4) In addition, the revised Notice of Special Restrictions language shall be included in the Supplementary Disclosures form given to prospective buyers to be signed by prospective buyers to insure their actual knowledge of the uses in the area of the site.

SPEAKERS: Sue Hestor, attorney for appellant; Robin Reichert, Alex Carlin, Byron Schostag, Ann Cohen, Jim Billings, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; Steven Vettel, attorney for permit holder; Eric Bradhurst, Theresa Sabella, in support of permit holder; and Paul Chow, permit holder.

The Board recessed from 8:48 to 9:01 p.m.

APPEAL NO. 98-016

(7)
MARCIA LIEBERMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January
[26, 1998, to Bertha Flores,
[permit to Alter a Building
[(waterproof and underpin foun-
[dation wall at south property
[line; replace 1/2 slab; add per-
[forated drain below slab; relocate
[existing hot water and heater)
[at 307 Bocana Street.
[APPLICATION NO. 9722650.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Marcia Lieberman, appellant; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Judith Boyajian, Deputy City Attorney; and Bertha Flores, permit holder.

APPEAL NO. 98-012

(8)
CURTIS & NANCY DAVIES, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination addressed to Owners and Residents of 1220 Jones Street dated January 21, 1998, that the rooftop structures that existed at 73-75 Pleasant Street prior to alterations recently commenced under BPA No. 9708689 comply with the conditional use authorized by the Planning Commission on January 7, 1982 (Resolution No. 9270); replacing the glass roof of the penthouse "greenhouse" room at the top of the building with opaque non-glass material does not constitute a significant modification of the conditional use; and that Resolution No. 9270 did not preclude the penthouse "greenhouse" room from being used as occupied floor space (by plants or people).
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Salgado, the Board voted 4-0 to **RECUSE** Vice President McInerney because of a conflict of interest. Mr. McInerney left the meeting. Then upon motion by Commissioner Salgado, the Board voted 4-0 to **DENY** the request to continue the matter. Then after discussion, upon by Commissioner Salgado, the Board voted 4-0 to **UPHOLD** the Zoning Administrator determination.

SPEAKERS: Lynn Axelrod, attorney for appellants; Howard Wexler, attorney for permit holder; Robert Passmore, Zoning Administrator for the Planning Department; and Jane Tsang, in support of appellants.

There being no further business, President Cullum adjourned the meeting at 10:25 p.m.

Robert H. Feldman
Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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/18/98

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MARCH 18, 1998

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

COMMISSIONERS COMMENTS AND QUESTIONS.

APPEAL NO. 97-175

JIM CHEW, dba "TLC SPA", Appellant
vs.
POLICE DEPARTMENT, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on August 5, 1997,
[(jurisdiction granted by Board
[of Appeals on December 10,
[1997) of massage establishment
[permit at 1785 Bancroft Avenue.
[FOR HEARING TODAY.

APPEAL NO. 98-017

JOHN J. SHOOTER, INC., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on January 30, 1998,
[of permit to remove and replace
[17 trees at the Sansome Street
[frontage of 1155 Battery and
[1265 Battery Street.
[ORDER NO. 170,871.
[FOR HEARING TODAY.

APPEAL NO. 97-169

PAUL Y. YUNG & SONIA Y. CHAN,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on October 14, 1997,
[of permit to Alter a Building
[(conversion of limited commercial use to a residential
[dwelling unit) at 1090 Montgomery Street.
[APPLICATION NO. 9711157.
[FOR HEARING TODAY.

APPEAL NO. 97-146

MARTIN ENG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[29, 1997, to Anthony DiGenova,
[permit to Alter a Building
[(combine penthouse and apt.
[1003 by constructing a stairway and upgrade penthouse bathroom) at 665 Pine Street.
[APPLICATION NO. 9715114.
[FOR HEARING TODAY.

Items (7A) and (7B) shall be heard together

APPEAL NO. 98-021

(7A)
ROBERT KUZMAN & WILLIAM HUNT, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[1998, to Michael Finney, permit
[to Alter a Building (internal
[remodelling and new addition to
[existing residence; demolish existing rear stair and shed structure;
[new fire escape, deck and front
[stairs and entry; new kitchens
[and baths) at 489 Douglass Street.
[APPLICATION NO. 9712445.
[FOR HEARING TODAY.

APPEAL NO. 98-022

(7B)
LISA CHUN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[1998, to Michael Finney, permit
[to Alter a Building (internal
[remodelling and new addition to
[existing residence; demolish exist-
[rear stair and shed structure;
[new fire escape, deck and front
[stairs and entry; new kitchens
[and baths) at 489 Douglass Street.
[APPLICATION NO. 9712445.
[FOR HEARING TODAY.

Date posted: March 12, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Carole Cullum, President, and be received at the Board office, 875 Stevenson Street, Room 440, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and nine copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 554-9510.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, MARCH 18, 1998
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS**.

SPEAKERS: None.

APPEAL NO. 97-175

(3)
JIM CHEW, dba "TLC SPA", Appellant
vs.
POLICE DEPARTMENT, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on August 5, 1997,
[(jurisdiction granted by Board
[of Appeals on December 10,
[1997) of massage establishment
[permit at 1785 Bancroft Avenue.
[FOR HEARING TODAY.

at least 72 hours in advance of need

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 4-1 (Vice President McInerney dissented) to **UPHOLD** the department and **DENY** the permit with the **CONDITION** that the department return as much of the fees that is legally allowed.

SPEAKERS: Sergeant William Coggan and Captain Sylvia Harper, S.F.P.D.; Robert Passmore, Zoning Adminstrator and Susana Montana, for the Planning Department; Donald McNab, agent for appellant; Jim Chew, appellant; and Leon Hugo, Espanola Jackson, Anna Aguirre, Pauline Peel, Sophie Maxwell, Amelia Ashley Ward, Paul Gloss, Yolanda Harris, in support of the department.

APPEAL NO. 98-017

(4)
JOHN J. SHOOTER, INC., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on January 30, 1998,
[of permit to remove and replace
[17 trees at the Sansome Street
[frontage of 1155 Battery and
[1265 Battery Street.
[ORDER NO. 170,871.
[FOR HEARING TODAY.

ACTION: After dicussion, upon motion by Commissioner Schwartz, the Board vote 5-0 to **OVERRULE** the department with findings by Vice President McInerne and Commissioner Schwartz and **GRANT** the permit.

SPEAKERS: John Fournet, DPW; Peter Callender, appellant; Michael Franklin, in support of appellant; Robert Passmore, Zoning Administrator for the Plannin Department.

The Board recessed from 7:34 to 7:40 p.m.

APPEAL NO. 97-169

(5)
PAUL Y. YUNG & SONIA Y. CHAN,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on October 14, 1997,
[of permit to Alter a Building
[(conversion of limited commercial use to a residential
[dwelling unit) at 1090 Montgomery Street.
[APPLICATION NO. 9711157.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 4-0 to **RECUSE** Commissioner Chin because of a conflict of interest. Then after testimon and discussion, upon motion by Commissioner Salgado, the Board vote 4-0 to **OVERRULE** the department and **GRANT** the permit with **CONDITIONS** (1) unit to remain an affordable unit; (2) permit holder to bring uni up to Building Code standards; (3) rent to be limited by Rent Ordinanc and not raised to market rate when becomes vacant.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Wendy Hill, Deborah Loutsch, Vanessa Bergland, Margaret Selgren, in support of appellants; and Sonia Chan, appellant.

Commissioner Chin left the dais at 7:50 p.m. and returned at 8:15 p.m.

APPEAL NO. 97-146

(6)
MARTIN ENG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[29, 1997, to Anthony DiGenova,
[permit to Alter a Building
[(combine penthouse and apt.
[1003 by constructing a stair-
[way and upgrade penthouse bath-
[room) at 665 Pine Street.
[APPLICATION NO. 9715114.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 5-0 to **OVERRULE** the department and **DISAPPROVE** the permit.

SPEAKERS: Adam Slote, attorney for appellant; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Joseph Sacramento, attorney for permit holder; and Doug Grabinsky, building manager for permit holder.

The Board recessed from 8:58 to 9:03 p.m.

Items (7A) and (7B) shall be heard together

APPEAL NO. 98-021

(7A)
ROBERT KUZMAN & WILLIAM HUNT, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[1998, to Michael Finney, permit
[to Alter a Building (internal
[remodelling and new addition to
[existing residence; demolish exist-
[ing rear stair and shed structure;
[new fire escape, deck and front
[stairs and entry; new kitchens
[and baths) at 489 Douglass Street.
[APPLICATION NO. 9712445.
[FOR HEARING TODAY.

APPEAL NO. 98-022

LISA CHUN, Appellant
(7B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[1998, to Michael Finney, permit
[to Alter a Building (internal
[remodelling and new addition to
[existing residence; demolish exist-
[rear stair and shed structure;
[new fire escape, deck and front
[stairs and entry; new kitchens
[and baths) at 489 Douglass Street.
[APPLICATION NO. 9712445.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITIONS** that the second floor deck is deleted and be covered by a new permit and that the 10 days to request a rehearing be waived so that work can commence.

SPEAKERS: Michael Finney, permit holder; Lisa Chun and Rick Kuzman, appellants; Mark Brand, architect for permit holder; and Judith Boyajian, Deputy City Attorney.

There being no further business, President Cullum adjourned the meeting at 9:24 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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/1/98

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, APRIL 1, 1998

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR REHEARING**:

ITEM A: Letter from Andrew M. Zacks, attorney for Bhazubhai C. Patel, appellant requesting rehearing of Appeal No. 97-165, The Beach Motel at 4201-4211 Judah Street. Hearing February 11, 1998. Upon motion by President Cullum, the Board voted 4-1 (Vice President McInerney dissented) to **UPHOLD** the department **DENIAL** of the permit with findings prepared by the City Attorney.

ITEM B: Letter from Lynn L. Axelrod, attorney for Curtis Davies, requesting rehearing of Appeal No. 98-012, 73-75 Pleasant Street. Hearing March 11, 1998. Upon motion by Commissioner Salgado, the Board voted 4-0 to **RECUSE** Vice President McInerney because of a conflict of interest. Mr. McInerney left the meeting. Then upon motion by Commissioner Salgado, the Board voted 4-0 to **DENY** the request for continuance. Then after discussion, upon motion by Commissioner Salgado, the Board voted 4-0 to **UPHOLD** the Zoning Administrator determination.

Items (4A) and (4B) shall be heard together

APPEAL NO. 98-040

(4A)
SAL SALMA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 3,
[1998, to Gorilla Sports, permit
[to Alter a Building (demolish
[existing second floor walls and
[walk-in coolers to create aerobic
[room and storage; remove first
[floor to provide locker rooms,
[toilets, aerobic room and front
[desk; seismic retrofit due to
[change of use) at 2324 Chestnut
[Street.
[APPLICATION NO. 9801614.
[FOR HEARING TODAY.

APPEAL NO. 98-024

(4B)
SAL SALMA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination on February 19,
[1998 concerning Conditions 3,
[6 and 10 of an off-street parking
[variance granted to Gene Campbell
[of Gorilla Sports for the property
[at 2324 Chestnut Street; appellant
[requests that the variance be
[stayed until said conditions are
[met; conditions require that 10
[parking spaces be leased at 2524
[Lombard Street, that all conditions
[and Codes be met and that a notice
[of special restrictions be recorded
[containing all conditions of the
[variance decision.
[VARIANCE CASE NO. 97.833V.
[FOR HEARING TODAY

Items (5A) through (5D) shall be heard together

APPEAL NO. 98-026

BETRAM J. RODGERS, JR., Appellant
(5A) vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on November
[4, 1997 (issued in error and
[suspended on February 11, 1998
[to allow 15-day appeal period),
[to Maria P. Wilcosky, permit to
[Alter a Building (vertical addi-
[tion) at 3310 Baker Street.
[APPLICATION NO. 9722323.
[FOR HEARING TODAY.

APPEAL NO. 98-027

JAMES T. REA, Appellant
(5B) vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on November
[4, 1997 (issued in error and
[suspended on February 11, 1998
[to allow 15-day appeal period),
[to Maria P. Wilcosky, permit to
[Alter a Building (vertical addi-
[tion) at 3310 Baker Street.
[APPLICATION NO. 9722323.
[FOR HEARING TODAY.

APPEAL NO. 98-028

THOMAS CLOTHIER, Appellant
(5C) vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on November
[4, 1997 (issued in error and
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[to allow 15-day appeal period),
[to Maria P. Wilcosky, permit to
[Alter a Building (vertical addi-
[tion) at 3310 Baker Street.
[APPLICATION NO. 9722323.
[FOR HEARING TODAY.

APPEAL NO. 98-029

THOMAS CLOTHIER, Appellant
(5D) vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on February
[12, 1998, Maria Wilcosky, permit
[to Alter a Building (replace load
[bearing beams next to garage with
[steel beams) at 3310 Baker Street.
[APPLICATION NO. 9802438.
[FOR HEARING TODAY.

Items (6A) through (6E) shall be heard together

APPEAL NO. 97-092

YELLOW CAB COOPERATIVE, INC.,
Appellant
(6A) vs.
POLICE COMMISSION, Respondent

[Denial of Taxicab Stock Trans-
[fer Request from Yellow Cab
[Cooperative, Inc. by the Police
[Commission dated May 29, 1997.
[RESOLUTION NO. 73-97.
[FOR REHEARING TODAY.

APPEAL NO. 97-093

CHANGS INC., K.K.L. CAB COMPANY,
STATE CAB COMPANY & HUEY, INC.,
Appellants
(6B) vs.
POLICE COMMISSION, Respondent

[Denial of Taxicab Stock Trans-
[fer Request from Changs, Inc.,
[K.K.L. Cab Company, State Cab
[Company and Huey, Inc. by the
[Police Commission dated May 1,
[1997.
[RESOLUTION NO. 55-97.
[FOR REHEARING TODAY.

APPEAL NO. 97-094

TWIN PEAKS TRANSPORTATION COMPANY,
Appellant
(6C) vs.
POLICE COMMISSION, Respondent

[Denial of Taxicab Stock Transfer Request from Twin Peaks
[Transportation Company by the
[Police Commission dated May 1,
[1997.
[RESOLUTION NO. 55-97.
[FOR REHEARING TODAY.

APPEAL NO. 97-095

VETERANS CAB COMPANY, Appellant
(6D) vs.
POLICE COMMISSION, Respondent

[Denial of Taxicab Stock Transfer Request from Veterans Cab
[Company by the Police Commission
[dated May 1, 1997.
[RESOLUTION NO. 55-97.
[FOR REHEARING TODAY.

APPEAL NO. 97-096

LUXOR CABS, INC., Appellant
(6E) vs.
POLICE COMMISSION, Respondent

[Denial of Taxicab Stock Transfer Request from Luxor Cabs, Inc.
[by the Police Commission dated
[May 1, 1997.
[RESOLUTION NO. 55-97.
[FOR HEARING TODAY.

Date posted: March 26, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

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The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

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REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of decision and may be filed only by principals in the appeal. See Article 5, Sectio 6 for complete rule on rehearings.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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Larkin/Grove Sts.
Dept. 41

MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, APRIL 1, 1998
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PUBLIC LI

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: F. Joseph Butler and Patricia Vaughey reported that the project sponsors for 1271-1279 Lombard Street are not following the conditions imposed by the Board.

Patricia Vaughey reported that developers are seeking permits piecemeal to avoid Code provisions for major projects.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: Commissioner Schwartz requested that the parties submit plans that can be read easily.

President Cullum dedicated the meeting to the memory of Bella Abzug, who passed away during the past week.

(3) **REQUEST FOR REHEARING:**

ITEM A: Letter from Andrew M. Zacks, attorney for Bhazubhai C. Patel, appellant requesting rehearing of Appeal No. 97-165, The Beach Motel at 4201-4211 Judah Street. Hearing February 18, 1998. Upon motion by Commissioner Salgado, the Board voted 1-4 (President Cullum, Vice President McInerney, Commissioners Chin and Schwartz dissented) to uphold the Zoning Administrator. Two votes are needed and the motion fails. Then upon motion by Commissioner Schwartz, the Board voted 3-2 (President Cullum and Commissioner Salgado dissented) to overrule the Zoning Administrator. Four votes are needed and the motion fails. The Zoning Administrator is **UPHELD.**

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 2-3 (Vice President McInerney, Commissioners Chin and Schwartz dissented) to **DENY** the request for rehearing. Then upon motion by Vice President McInerney, the Board vote 3-2 to **CONTINUE** consideration to **August 19, 1998** to await the Superior Court decision.

SPEAKER: Andrew Zacks, attorney for appellant.

ITEM B: Letter from Lynn L. Axelrod, attorney for Curtis Davies, requesting rehearin of Appeal No. 98-012, 73-75 Pleasant Street. Hearing March 11, 1998. Upon motio by Commissioner Salgado, the Board voted 4-0 to **RECUSE** Vice President McInerney because of a conflict of interest. Mr. McInerney left the meeting. Then upon motio by Commissioner Salgado, the Board voted 4-0 to **DENY** the request for continuance Then after discussion, upon motion by Commissioner Salgado, the Board voted 4-0 t **UPHOLD** the Zoning Administrator determination.

ACTION: Upon motion by Commissioner Salgado, the Board voted 4-0 to **RECUSE** Vic President McInerney because of a conflict of interest. Then after testimony, and discussion the Board voted 4-0 to **DENY** the request fo rehearing.

SPEAKERS: Lynn Axelrod, attorney for appellant; and Howard Wexler, attorney fo property owners.

Vice President McInerney left the dais at 6:29 p.m. and returned at 6:40 p.m.

Items (4A) and (4B) were heard together

APPEAL NO. 98-040

(4A)
SAL SALMA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 3,
[1998, to Gorilla Sports, permit
[to Alter a Building (demolish
[existing second floor walls and
[walk-in coolers to create aerobic
[room and storage; remove first
[floor to provide locker rooms,
[toilets, aerobic room and front
[desk; seismic retrofit due to
[change of use) at 2324 Chestnut
[Street.
[APPLICATION NO. 9801614.
[FOR HEARING TODAY.

APPEAL NO. 98-024

(4B) SAL SALMA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination on February 19, 1998 concerning Conditions 3, 6 and 10 of an off-street parking variance granted to Gene Campbell of Gorilla Sports for the property at 2324 Chestnut Street; appellant requests that the variance be stayed until said conditions are met; conditions require that 10 parking spaces be leased at 2524 Lombard Street, that all conditions and Codes be met and that a notice of special restrictions be recorded containing all conditions of the variance decision.
[VARIANCE CASE NO. 97.833V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **UPHOLD** the Zoning Administrator and the departments; and **GRANT** the permit.

SPEAKERS: Sal Salma, appellant; Robert Myers, agent for appellant; Robert Passmore, Zoning Administrator; Eric Messersmith, attorney for project sponsor; Dave Fox, project sponsor; Ken Zankel and Patricia Vaughey, in support of the project.

The Board recessed from 7:30 to 7:39 p.m.

Items (5A) through (5D) were heard together

APPEAL NO. 98-026

(5A) BETRAM J. RODGERS, JR., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on November 4, 1997 (issued in error and suspended on February 11, 1998 to allow 15-day appeal period), to Maria P. Wilcosky, permit to Alter a Building (vertical addition) at 3310 Baker Street.
[APPLICATION NO. 9722323.
[FOR HEARING TODAY.

APPEAL NO. 98-027

(5B) JAMES T. REA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on November 4, 1997 (issued in error and suspended on February 11, 1998 to allow 15-day appeal period), to Maria P. Wilcosky, permit to Alter a Building (vertical addition) at 3310 Baker Street.
[APPLICATION NO. 9722323.
[FOR HEARING TODAY.

APPEAL NO. 98-028

THOMAS CLOTHIER, Appellant
(5C) vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on November
[4, 1997 (issued in error and
[suspended on February 11, 1998
[to allow 15-day appeal period),
[to Maria P. Wilcosky, permit to
[Alter a Building (vertical addi-
[tion) at 3310 Baker Street.
[APPLICATION NO. 9722323.
[FOR HEARING TODAY.

APPEAL NO. 98-029

THOMAS CLOTHIER, Appellant
(5D) vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on February
[12, 1998, Maria Wilcosky, permit
[to Alter a Building (replace load
[bearing beams next to garage with
[steel beams) at 3310 Baker Street.
[APPLICATION NO. 9802438.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board vote 2-3 (President Cullum, Vice President McInerney and Commissioner Chi dissented) to overrule the department and revoke the permit. Four vote are needed and the motion failed. Then upon motion by Vice Presiden McInerney, the Board voted 3-2 (Commissioners Salgado and Schwartz dissented) to **UPHOLD** the department and **GRANT** the permit with findings fro permit holder's attorney.

SPEAKERS: Betram Rodgers and Thomas Clothier, appellants; Harry Sutcliffe, in support of Thomas Clothier; Laurence Kornfield, Chief Building Inspecto for the Department of Building Inspection; Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Brian Connors, attorney for James Rea; Allan Low, attorney for permi holder.

The Board recessed from 8:29 to 8:38 p.m.

Items (6A) through (6E) were heard together

APPEAL NO. 97-092

YELLOW CAB COOPERATIVE, INC.,
Appellant
(6A) vs.
POLICE COMMISSION, Respondent

[Denial of Taxicab Stock Trans-
[fer Request from Yellow Cab
[Cooperative, Inc. by the Police
[Commission dated May 29, 1997.
[RESOLUTION NO. 73-97.
[FOR REHEARING TODAY.

APPEAL NO. 97-093

CHANGS INC., K.K.L. CAB COMPANY,
STATE CAB COMPANY & HUEY, INC.,
Appellants
(6B) vs.
POLICE COMMISSION, Respondent

[Denial of Taxicab Stock Trans-
[fer Request from Changs, Inc.,
[K.K.L. Cab Company, State Cab
[Company and Huey, Inc. by the
[Police Commission dated May 1,
[1997.
[RESOLUTION NO. 55-97.
[FOR REHEARING TODAY.

APPEAL NO. 97-094

TWIN PEAKS TRANSPORTATION COMPANY,
Appellant
(6C) vs.
POLICE COMMISSION, Respondent

[Denial of Taxicab Stock Trans-
[fer Request from Twin Peaks
[Transportation Company by the
[Police Commission dated May 1,
[1997.
[RESOLUTION NO. 55-97.
[FOR REHEARING TODAY.

APPEAL NO. 97-095

VETERANS CAB COMPANY, Appellant
(6D) vs.
POLICE COMMISSION, Respondent

[Denial of Taxicab Stock Trans-
[fer Request from Veterans Cab
[Company by the Police Commission
[dated May 1, 1997.
[RESOLUTION NO. 55-97.
[FOR REHEARING TODAY.

APPEAL NO. 97-096

LUXOR CABS, INC., Appellant
(6E) vs.
POLICE COMMISSION, Respondent

[Denial of Taxicab Stock Trans-
[fer Request from Luxor Cabs, Inc.
[by the Police Commission dated
[May 1, 1997.
[RESOLUTION NO. 55-97.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 2-3 (President Cullum, Commissioners Salgado and Chin dissented) to overrule the Police Commission. Motion failed and Police Commission was **UPHELD**.

SPEAKERS: Thomas Owen, Deputy City Attorney; Maragaret Zaragos, Sophie Pomerantz, Jane Boardman, Julie Simms read statement from Senator Quentin Kopp, Stan Heinz, Tara Housman, Ada Stone, Dale Fuller, Heresh Shah, Michael Kelly, Jean-Michel Norman, Michael Kelly, Ron Walter, Michael Koshera, Keith Raskin, James Chan read letter from David Quong, Fidel Benes, William Qutami, Ruth Graffis, Peter Lipp, Mark Gruberg, Jane Bolig, Herman Trinadad, Christopher Collings, attorney for some cab drivers, Nathan Dwiri, in support of the Police Commission; Wayne Canterbury and Robert McCarthy, attorneys for Veterans, Luxor and Twin Peaks Transportation; Philip Ward, attorney for Yellow Cab; Norman Lew, attorney for KKL and Huey, Inc.; and Arthur Limpe; Tom Diesso, Doug Engmann, Jose Labrado, Alex Poshiagan, Rosemary Kingsley, Mae Tong, Mara Diamond, Jim Gray, Jerry Smith, Jim Margolis, Ken Tong, Manuel Herrera, Steven Ramers, Chuck Walker, Michael Spain, in support of appellants.

The Board recessed from 10:18 to 10:28 p.m.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, APRIL 1, 1998 (cont'd.)

There being no further business, President Cullum adjourned the meeting at 11:34 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

SF
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#2
4/8/98

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, APRIL 8, 1998

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) Informational presentation by Director of Planning Gerald Green on Planning Commission Policies and Procedures for Live/Work Projects (approximately 15 minutes).

(2) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(3) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(4) **REQUEST FOR REHEARING**: Letter from Sue Hestor, attorney for Citzens for Honest Live/Work, appellant, requesting rehearing of Appeal No. 98-009, 1488 Harrison Street. Hearing March 11, 1998. The Board was polled as to whether the Negative Declaration and environmental documents had been reviewed and considered. All answered "Aye". Upon motion by President Cullum, the Board voted 4-1 (Commissioner Schwartz dissented) to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS**.

Date notice posted: April 2, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
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MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

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In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

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Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, APRIL 8, 1998
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, Mario Salgado and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) Informational presentation by Director of Planning Gerald Green on Planning Commission Policies and Procedures for Live/Work Projects (approximately 15 minutes).

SPEAKERS: Gerald Green gave a presentation on live/work projects.

Rafael Torres-Gil briefly presented Laurence Kornfield's matrices of the Building Code regulations regarding live/work buildings.

(2) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Judy West, Joan Holden, Ann Cohn, Julia Rosenblatt, Michael Singsen, Charlotte Tanaka, Brad Paul, Alice Barkley, Jim Billings, Terry Hutchinson, Joe O'Donoghue, Susan Shindler, Michael Lutd, live/work development, and the club scene.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, APRIL 8, 1998 (cont'd.)

(3) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: President Cullum described the jurisdiction of the Board and directed those who want changes in the zoning concerning the preservation of night-clubs to speak to the Planning Commission and the Board of Supervisors.

(4) **REQUEST FOR REHEARING**: Letter from Sue Hestor, attorney for Citzens for Honest Live/Work, appellant, requesting rehearing of Appeal No. 98-009, 1488 Harrison Street. Hearing March 11, 1998. The Board was polled as to whether the Negative Declaration and environmental documents had been reviewed and considered. All answered "Aye". Upon motion by President Cullum, the Board voted 4-1 (Commissioner Schwartz dissented) to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS**.

ACTION: After discussion, upon motion by President Cullum, the Board voted 3-2 (Vice President McInerney and Commissioner Chin dissented) to grant rehearing. Four votes are necessary and the request is **DENIED**.

SPEAKERS: Sue Hestor, attorney for appellant; Steven Vettel, attorney for permit holder; and Jim Billings, Robin Sweikert, Brad Paul, Alex Carlin, Dow Tunis, Judy West, Paul Chow, in support of the appellant.

There being no further business, President Cullum adjourned the meeting at 7:50 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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/15/98

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, APRIL 15, 1998

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Sal Salma, requesting rehearing of Appeal Nos. 98-040 and 98-024, 2324 Chestnut Street. Hearing April 1, 1998. Upon motion by Commissioner Salgado, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit (Appeal No. 98-040), and **UPHOLD** the Zoning Administrator (Appeal No. 98-024).

APPEAL NO. 96-023

(4) MIRIAM MALDONADO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on February 29, 1996,
[of permit to Alter a Building
[(legalize existing in-law apart-
[ment; install new kitchen cabinets
[and new bathroom fixtures; repair
[walls and ceiling by placing
[new overlay of ½" gypsum board)
[at 60 Vienna Street.
[APPLICATION NO. 9514150S.
[FOR FURTHER HEARING TODAY.

Items (A) and (B) shall be heard together

APPEAL NO. 98-010

(5A) CHARLES & LUCINDA CROCKER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on January 9, 1998, of
[permit to Alter a Building
[(replace gable roof with flat
[roof deck; remove bath and stairs
[at upper level; interior renova-
[tion; renovate facade; remove
[interior partition walls and
[renovate garage level; reuse facade
[at rear structure; construct pool
[in courtyard; join openings with
[1405 Montgomery Street) at
[1403 Montgomery Street.
[APPLICATION NO. 9707006S.
[FOR HEARING TODAY.

APPEAL NO. 98-011

(5B)

CHARLES & LUCINDA CROCKER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on January 9, 1998, of
[permit to Alter a Building
[(replace doors and windows at
[front facade; renovate facade
[of rear structure; remove stair
[penthouse at roof deck; minor
[interior alterations; join
[openings with 1403 Montgomery
[Street) at 1405 Montgomery St.
[APPLICATION NO. 9707007S.
[FOR HEARING TODAY.

Date notice posted: April 9, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

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Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

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Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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LOBBYING ACTIVITY

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

City and County of San Francisco
Board of Appeals

PUBLIC NOTICE

The Board of Appeals has cancelled the meeting on **April 15, 1998** by order of the President of the Board for the lack of matters to be heard. The scheduled hearings were all rescheduled at the request of all parties.

The next regular meeting is scheduled for **Wednesday, April 22, 1998 at 6:00 p.m.** in the War Memorial Building, 401 Van Ness Avenue, Room 428.

Any questions concerning the scheduling of hearings or any other permit appeal matter may be directed to the Board staff at 875 Stevenson Street, Room 440, telephone 554-6720.

BOARD OF APPEALS

Robert H. Feldman
Executive Secretary

Date this notice posted: April 15, 1998

/22/98

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, APRIL 22, 1998

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUESTS FOR REHEARING:**

Letter from Thomas J. Clothier requesting rehearing of Appeals No. 98-026, 98-027, 98-028 and 98-029 for the property at 3310 Baker Street. Public hearing held and closed April 1, 1998. Then, after testimony, a motion by Commissioner Schwartz to overrule the permits failed on a 2-3 vote. Then, on a motion by Vice President McInerney to uphold the two subject permits, the Board voted 3-2 (Commissioners Salgado and Schwartz dissenting) to uphold the department and to grant the two permits.

APPEAL NO. 96-138

(4)
NEIL CHAITIN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[8, 1996, to Farah Champsi, permit
[to Alter a Building (horizontal
[rear addition to enlarge family
[room at first floor, enlarge bed-
[room at second floor and add deck
[at third floor) at 2740 Divisadero
[Street.
[APPLICATION NO. 9310717S.
[FOR HEARING TODAY.

APPEAL NO. 97-172

(5)
TERRANCE LEE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December
[12, 1997, to Reyna Lopez, permit
[to Alter a Building (replace
[existing wood fence with eight
[foot cinder block fence on side
[and rear of property) at
[130 - 27th Street.
[APPLICATION NO. 9723036.
[FOR HEARING TODAY.

APPEAL NO. 98-038

(6) EVELYN JUROW & MARY LOU MYERS, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[23, 1998, to Michael Blakeman,
[permit to Alter a Building
[(legalize existing rear deck of
[lower unit and replace roof deck
[of upper unit)
[APPLICATION NO. 9802644.
[FOR HEARING TODAY.

Date posted: April 16, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
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MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

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Board of Appeals
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(415) 554-6720

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/22/98

MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, APRIL 22, 1998
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, Mario Salgado and Mauri Schwartz.

Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

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SPEAKER: John Bardis thanked the Board for keeping Sima Kushnirsky's appeal on the May 6, 1998 calendar.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKER: President Cullum presented a Resolution of Appreciation to Commissioner Salgado. The Board then voted 4-0 to adopt the Resolution of Appreciation. Commissioner Salgado has resigned effective at the end of this meeting. He is moving to Los Angeles for professional reasons.

(3) **REQUEST FOR REHEARING:** Letter from Thomas J. Clothier requesting rehearing of Appeal Nos. 98-026, 98-027, 98-028 and 98-029, 3310 Baker Street. Hearing April 1, 1998. Upon motion by Commissioner Schwartz, the Board voted 2-3 to overrule the department

at least 72 hours in advance of need.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, APRIL 22, 1998 (cont'd.)

and deny the permits. Four votes are needed to overrule and the motion failed. Then upon motion by Vice President McInerney, the Board voted 3-2 to **UPHOLD** the departments and **GRANT** the permits.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 3-2 (Commissioners Salgado and Schwartz dissented) to **DENY** the request for rehearing.

SPEAKERS: Brian Connors, attorney for appellant; and Allan Low, attorney for permit holder.

APPEAL NO. 96-138

(4)
NEIL CHAITIN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[8, 1996, to Farah Champsi, permit
[to Alter a Building (horizontal
[rear addition to enlarge family
[room at first floor, enlarge bed-
[room at second floor and add deck
[at third floor) at 2740 Divisadero
[Street.
[APPLICATION NO. 9310717S.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing at the request of the parties to **July 8, 1998.**

APPEAL NO. 97-172

(5)
TERRANCE LEE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December
[12, 1997, to Reyna Lopez, permit
[to Alter a Building (replace
[existing wood fence with eight
[foot cinder block fence on side
[and rear of property) at
[130 - 27th Street.
[APPLICATION NO. 9723036.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to **May 6, 1998** at request of permit holder.

APPEAL NO. 98-038

(6)
EVELYN JUROW & MARY LOU MYERS, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[23, 1998, to Michael Blakeman,
[permit to Alter a Building
[(legalize existing rear deck of
[lower unit and replace roof deck
[of upper unit) at 2869 Union
[Street.
[APPLICATION NO. 9802644.
[FOR HEARING TODAY.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, APRIL 22, 1998 (cont'd.)

ACTION: **WITHDRAWN** at hearing by appellants after her withdrawal letter was read into the record.

SPEAKER: Evelyn Jurow, appellant.

There being no further business, President Cullum adjourned the meeting at 6:18 p.m.

Robert H Feldman
Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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/6/98

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MAY 6, 1998

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:** Letter from Forrest Faulknor Enterprises requesting that the Board take jurisdiction over the Zoning Administrator determination that automotive sales or rentals are not permitted at 1101 Sutter Street because it is located in the Polk Street Neighborhood Commercial District.

Date of determination	April 6, 1998
Last day to file an appeal	April 21, 1998
Request for jurisdiction	April 23, 1998

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 98-025

(A)
TEODORO & MARISSA GONZALES, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[February 23, 1998, for work
[done at 75 Rice Street.
[APPLICATION NO. 9505165
[FOR HEARING TODAY.

APPEAL NO. 98-030

(B)
CHARLES E. HAYES, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on February 25, 1998,
[for work done at 133-137 Baker
[Street.
[APPLICATION NO. 9724904.
[FOR HEARING TODAY.

APPEAL NO. 98-036

(C)
RICHARD A. MILLER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[March 3, 1998, for work
[done at 825-831 Scott Street.
[APPLICATION NO. 9725201S.
[FOR HEARING TODAY.

APPEAL NO. 98-037

GERALD & ROSE CASSIDY, Appellants
(D) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on March
[4, 1998, for work done at
[33 Cuvier Street.
[APPLICATION NO. 9701983.
[FOR HEARING TODAY.

APPEAL NO. 98-039

PACIFIC EQUITIES, Appellant
(E) vs.
DEPT. BUILDING INSPECTION, Respondent

[Imposition of Penalty on March
[4, 1998, for work done at
[861A Hayes Street.
[APPLICATION NO. 9802436.
[FOR HEARING TODAY.

APPEAL NO. 98-069

GERARDO PINTO & MARIANNE RUDDY,
Appellants
(F) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Imposition of Penalty on
[April 13, 1998, for work
[done at 1506-08 Alabama St.
[APPLICATION NO. 9802518S.
[FOR HEARING TODAY.

Items (5A) and (5B) shall be heard together

APPEAL NO. 98-050

FOUNDATION FOR S.F. ARCHITECTURAL
HERITAGE, Appellant
(5A) vs.
PLANNING COMMISSION, Respondent

[Approval and granting of certain
[exceptions regarding Open Space,
[Pedestrian Streetscape Improve-
[ments, Freight Loading/Service
[Vehicle Space, Shadows on Streets
[Shadows on Public or Publicly
[Accessible Open Space, Artwork,
[Demolition of Contributory
[Buildings in Cons. District,
[and New Construction in Cons.
[District for a proposed office
[and retail project at 244-256
[Front Street under Planning Code
[Section 3098, to Patson Develop-
[ment Company on March 12, 1998.
[PLANNING COMMISSION MOTION NO.
[14600, PLANNING DEPT. APPLI-
[CATIONS 96.159X and 96.643B.
[FOR HEARING TODAY.

APPEAL NO. 98-051

FOUNDATION FOR S.F. ARCHITECTURAL
HERITAGE, Appellant
(5B) vs.
PLANNING COMMISSION, Respondent

[Project authorization approval
[by the Planning Commission on
[March 12, 1998 for proposed
[office and retail project at
[244-256 Front Street under Plan-
[ning Code Secs. 321 and 322 with
[62,745 s.f. of office space,
[16,014 s.f. of retail space,
[10,795 s.f. of basement parking,
[1,591 s.f. of open space and
[1,110 s.f. of storage space.
[PLANNING COMMISSION MOTION NO.
[14601, PLANNING DEPT. APPLI-
[CATIONS 96.159X and 96.643B.
[FOR HEARING TODAY.

tems (6A) and (6B) shall be heard together

APPEAL NO. 98-010

6A) CHARLES & LUCINDA CROCKER, Appellants
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PLANNING DEPARTMENT DISAPPROVAL

[Denial on January 9, 1998, of
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[tion; renovate facade; remove
[interior partition walls and
[renovate garage level; reuse facade
[at rear structure; construct pool
[in courtyard; join openings with
[1405 Montgomery Street) at
[1403 Montgomery Street.
[APPLICATION NO. 9707006S.
[FOR HEARING TODAY.

APPEAL NO. 98-011

6B) CHARLES & LUCINDA CROCKER, Appellant
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DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

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[of rear structure; remove stair
[penthouse at roof deck; minor
[interior alterations; join
[openings with 1403 Montgomery
[Street) at 1405 Montgomery St.
[APPLICATION NO. 9707007S.
[FOR HEARING TODAY.

APPEAL NO. 98-046

7) GERARDO PINTO & MARIANNE RUDDY,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 6, 1998, of
[permit to Alter a Building
[(legalize flat on ground floor;
[add windows in kitchen and
[living room; add fan and light
[in bathroom; provide fire wall
[and door between garage and
[flat) at 1506-08 Alabama Street.
[APPLICATION NO. 9802518S.
[FOR HEARING TODAY.

APPEAL NO. 98-042

(8) DONNA STACK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[20, 1998, to Coleman Kao, permit
[to Alter a Building (fourth floor
[addition to existing building
[to enlarge two of the dwelling
[units; reconfiguration of other
[units as required; add four off-
[street parking spaces; small rear
[addition at all floors) at 2048
[Green Street.
[APPLICATION NO. 9113103S.
[FOR HEARING TODAY.

APPEAL NO. 98-043

9) MICHAEL TOMARS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[26, 1998, to Village Properties,
[permit to Erect a Building (14
[live/work units) at 1100 Howard
[Street.
[APPLICATION NO. 9714756.
[FOR HEARING TODAY.

APPEAL NO. 98-044

(10) SIMA KUSHNIRSKY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February 25, 1998, to Vlad Shubov, permit to Alter a Building (plans are revisions to plans under BPA 9800553 required after discretionary review by Planning Commission on December 18, 1997 for removal of rear extension built without permit; permit holder seeks reinstatement of extension disallowed by Commission and appellant seeks removal of all of rear extension built in violation of Codes) at 1234-33rd Ave.
[APPLICATION NO. 9803117.
[FOR HEARING TODAY.

CLOSED SESSION:

(11A) **PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION.**

(11B) **CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SAN FRANCISCO ADMINI-TRATIVE CODE SECTION 67.10(b).**

PUBLIC EMPLOYEE EVALUATION: Robert Feldman, Executive Secretary

(11C) **RECONVENE IN OPEN SESSION TO VOTE WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HE IN CLOSED SESSION (San Francisco Administrative Code Section 67.10(b).**

Date posted: April 30, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MARIO A. SALGADO	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Carole Cullum, President, and be received at the Board office, 875 Stevenson Street, Room 440, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and nine copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, MAY 6, 1998
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

DOCUMENTS DEPT.
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PRESENT: Vice President John McInerney, Commissioners Arnold Chin and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

ABSENT: President Carole Cullum.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Michael Tomars requested that Vice President McInerney recuse himself since he is being investigated by the attorney general.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:** Letter from Forrest Faulknor Enterprises requesting that the Board take jurisdiction over the Zoning Administrator determination that automotive sales or rentals are not permitted at 1101 Sutter Street because it is located in the Polk Street Neighborhood Commercial District.

Date of determination	April 6, 1998
Last day to file an appeal	April 21, 1998
Request for jurisdiction	April 23, 1998

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 3-0 to **GRANT** jurisdiction. The requestor has 15 days to file an appeal.

SPEAKERS: James Faulknor for Forrest Faulknor Enterprises.

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Boar proceeded to a vote on items 4A through 4D without testimony to reduce the penalt (investigation fee) to two times the regular fee as provided for in the Buildin Code. Without consent the Board took testimony on items 4E and 4F and decided th appeals individually.

APPEAL NO. 98-025

(A)
TEODORO & MARISSA GONZALES, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[February 23, 1998, for work
[done at 75 Rice Street.
[APPLICATION NO. 9505165
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 to **OVERRUL** the department with the **CONDITION** that the penalty be reduced to tw times the regular fee of $215.80 for a total of $431.60.

SPEAKERS: The appellants were present but did not speak.

APPEAL NO. 98-030

(B)
CHARLES E. HAYES, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on February 25, 1998,
[for work done at 133-137 Baker
[Street.
[APPLICATION NO. 9724904.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 to **OVERRU** the department with the **CONDITION** that the penalty be reduced to t times the regular fee of $215.80 for a total of $431.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-036

(C)
RICHARD A. MILLER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[March 3, 1998, for work
[done at 825-831 Scott Street.
[APPLICATION NO. 9725201S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $150.80 for a total of $301.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-037

(D)
GERALD & ROSE CASSIDY, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on March
[4, 1998, for work done at
[33 Cuvier Street.
[APPLICATION NO. 9701983.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $183.30 for a total of $366.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-039

(E)
PACIFIC EQUITIES, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Imposition of Penalty on March
[4, 1998, for work done at
[861A Hayes Street.
[APPLICATION NO. 9802436.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 to **SUSTAIN** the penalty.

SPEAKERS: The appellant did not appear.

APPEAL NO. 98-069

(F)
GERARDO PINTO & MARIANNE RUDDY,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Imposition of Penalty on
[April 13, 1998, for work
[done at 1506-08 Alabama St.
[APPLICATION NO. 9802518S.
[FOR HEARING TODAY.

ACTION: **ADMINISTRATIVELY WITHDRAWN**, Department of Building Inspection reviewed the case and dropped its penalty. No action needed by Board.

SPEAKERS: The appellant was present but did not speak.

Items (5A) and (5B) were heard together

APPEAL NO. 98-050

FOUNDATION FOR S.F. ARCHITECTURAL
HERITAGE, Appellant
(5A) vs.
PLANNING COMMISSION, Respondent

[Approval and granting of certain
[exceptions regarding Open Space,
[Pedestrian Streetscape Improve-
[ments, Freight Loading/Service
[Vehicle Space, Shadows on Streets,
[Shadows on Public or Publicly
[Accessible Open Space, Artwork,
[Demolition of Contributory
[Buildings in Cons. District,
[and New Construction in Cons.
[District for a proposed office
[and retail project at 244-256
[Front Street under Planning Code
[Section 3098, to Patson Develop-
[ment Company on March 12, 1998.
[PLANNING COMMISSION MOTION NO.
[14600, PLANNING DEPT. APPLI-
[CATIONS 96.159X and 96.643B.
[FOR HEARING TODAY.

APPEAL NO. 98-051

FOUNDATION FOR S.F. ARCHITECTURAL
HERITAGE, Appellant
(5B) vs.
PLANNING COMMISSION, Respondent

[Project authorization approval
[by the Planning Commission on
[March 12, 1998 for proposed
[office and retail project at
[244-256 Front Street under Plan-
[ning Code Secs. 321 and 322 with
[62,745 s.f. of office space,
[16,014 s.f. of retail space,
[10,795 s.f. of basement parking,
[1,591 s.f. of open space and
[1,110 s.f. of storage space.
[PLANNING COMMISSION MOTION NO.
[14601, PLANNING DEPT. APPLI-
[CATIONS 96.159X and 96.643B.
[FOR HEARING TODAY.

ACTION: The Board was polled as to whether the environmental documents had be reviewed and considered. All answered "Aye". After discussion and test mony, upon motion by Commissioner Chin, the Board voted 3-0 to **UPHO** the Planning Commission with findings prepared by attorney for proje sponsor.

SPEAKERS: Jim Nixon, Planner and Robert Passmore, Zoning Administrator for Planni Department; Susan Brandt-Hawley, attorney for appellant; Harry O'Brie attorney for project sponsor; Jeffrey Heller, project architect; Mrs. G. Bland Platt, for appellant.

The Board recessed 7:34 to 7:48 p.m.

Items (6A) and (6B) were heard together

APPEAL NO. 98-010

(6A)
CHARLES & LUCINDA CROCKER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on January 9, 1998, of
[permit to Alter a Building
[(replace gable roof with flat
[roof deck; remove bath and stairs
[at upper level; interior renova-
[tion; renovate facade; remove
[interior partition walls and
[renovate garage level; reuse facade
[at rear structure; construct pool
[in courtyard; join openings with
[1405 Montgomery Street) at
[1403 Montgomery Street.
[APPLICATION NO. 9707006S.
[FOR HEARING TODAY.

APPEAL NO. 98-011

(6B)
CHARLES & LUCINDA CROCKER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on January 9, 1998, of
[permit to Alter a Building
[(replace doors and windows at
[front facade; renovate facade
[of rear structure; remove stair
[penthouse at roof deck; minor
[interior alterations; join
[openings with 1403 Montgomery
[Street) at 1405 Montgomery St.
[APPLICATION NO. 9707007S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 2-0 to **RECUSE** Commissioner Chin because of a conflict of interest. Then upon motion by Vice President McInerney, the Board voted 2-0 to **CONTINUE** the matter of **June 10, 1998.**

SPEAKERS: None. Appelants and David Cincotta, their attorney were present.

APPEAL NO. 98-046

(7)
GERARDO PINTO & MARIANNE RUDDY,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 6, 1998, of
[permit to Alter a Building
[(legalize flat on ground floor;
[add windows in kitchen and
[living room; add fan and light
[in bathroom; provide fire wall
[and door between garage and
[flat) at 1506-08 Alabama Street.
[APPLICATION NO. 9802518S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 3-0 to **CONTINUE** the matter to **November 18, 1998.**

SPEAKERS: Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection. Appellants were present and did not speak.

APPEAL NO. 98-042

(8)
DONNA STACK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[20, 1998, to Coleman Kao, permit
[to Alter a Building (fourth floor
[addition to existing building
[to enlarge two of the dwelling
[units; reconfiguration of other
[units as required; add four off-
[street parking spaces; small rear
[addition at all floors) at 2048
[Green Street.
[APPLICATION NO. 9113103S.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** at hearing by Jeremy Paul, agent for appellant, with writt agreement of the parties submitted for the record.

SPEAKERS: None.

APPEAL NO. 98-043

(9)
MICHAEL TOMARS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[26, 1998, to Village Properties,
[permit to Erect a Building (14
[live/work units) at 1100 Howard
[Street.
[APPLICATION NO. 9714756.
[FOR HEARING TODAY.

ACTION: The Board was polled as to whether the Negative Declaration had be reviewed and considered. All answered "Aye". After discussion and te timony, the Board voted 2-1 (Commissioner Schwartz dissented) to **UPHO** the department and **GRANT** the permit.

SPEAKERS: Michael Tomars, appellant; Sue Hestor and Micheli Welch, in support f the appellant; Robert Passmore, Zoning Administrator for the Planni Department; Alice Barkley, attorney for permit holder; and Joe Cassi and Joe O'Donoghue, in support of the project.

The Board recessed from 8:31 to 8:52 p.m.

APPEAL NO. 98-044

(10) SIMA KUSHNIRSKY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[25, 1998, to Vlad Shubov, permit
[to Alter a Building (plans are
[revisions to plans under BPA
[9800553 required after discre-
[tionary review by Planning Com-
[mission on December 18, 1997 for
[removal of rear extension built
[without permit; permit holder
[seeks reinstatement of extension
[disallowed by Commission and
[appellant seeks removal of all
[of rear extension built in viola-
[tion of Codes) at 1234-33rd Ave.
[APPLICATION NO. 9803117.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 to **CONTINUE** the matter to **June 3, 1998.**

SPEAKERS: Nellya Pierce, appellant's daughter; John Bardis, in support of appellant; and Jeremy Paul, agent for permit holder; and Karen Gershaw, appellant's nurse.

CLOSED SESSION: Matter continued one week on motion by Vice President McInerney and vote of 3-0.

(11A) **PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION.**

SPEAKERS: None.

(11B) **CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(b).**

PUBLIC EMPLOYEE EVALUATION: Robert Feldman, Executive Secretary

(11C) **RECONVENE IN OPEN SESSION TO VOTE WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HELD IN CLOSED SESSION (San Francisco Administrative Code Section 67.10(b).**

There being no further business, Vice President McInerney adjourned the meeting at 9:05 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MAY 13, 1998

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR REHEARING:** Letter from Donald W. McNabb on behalf of Jim Chew, requesting rehearing of Appeal No. 97-175, 1785 Bancroft Avenue. Hearing March 18, 1998. Upon motion by Commissioner Salgado, the Board voted 4-1 (Vice President McInerney dissented) to **UPHOLD** the department and **DENY** the permit.

APPEAL NO. 97-177

(4)
MAOE & LILA TJOE, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent

[Determination by the Director
[of Building Inspection dated
[December 16, 1997 addressed to
[the appellants that the work
[performed on the property at
[524 - 28th Avenue on August 6,
[7, and 8, 1997 constituted an
[unlawful demolition under S.F.
[Building Code Section 103.3 and
[that Building Permits 824810 and
[828609 are therefore revoked.
[FOR HEARING TODAY.

Items (5A), (5B) and (5C) shall be heard together

APPEAL NO. 98-032

(5A)
FRANKLIN S. HOLLEY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[13, 1998, to Margaret Rogerson,
[permit to Alter a Building (roof
[top addition-add an apartment
[at third floor and garage space
[at basement) at 3516-18 Sacramento
[Street.
[APPLICATION NO. 9712688S.
[FOR HEARING TODAY.

APPEAL NO. 98-033

(5B)
JOHN S. AGER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[13, 1998, to Margaret Rogerson,
[permit to Alter a Building (roof
[top addition-add an apartment
[at third floor and garage space
[at basement) at 3516-18 Sacramento
[Street.
[APPLICATION NO. 9712688S.
[FOR HEARING TODAY.

APPEAL NO. 98-034

(5C) JOHN B. LOWRY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February 13, 1998, to Margaret Rogerson, permit to Alter a Building (roof top addition-add an apartment at third floor and garage space at basement) at 3516-18 Sacramento Street.
[APPLICATION NO. 9712688S.
[FOR HEARING TODAY.

APPEAL NO. 98-041

(6) SIMONE JANSSEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February 19, 1998, to Rita Murphy, permit to Erect a Building (10 live/work units) at 1025 - 17th Street.
[APPLICATION NO. 9711584S.
[FOR HEARING TODAY.

APPEAL NO. 98-052

(7) WILFREDO MENDOZA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 11, 1998, to Wai-Ming Luk, permit to Alter a Building (upgrade electrical wiring, replace window, install skylight, remodel kitchen, insulate walls where accessible) at 3641 - 23rd Street.
[APPLICATION NO. 9804149.
[FOR HEARING TODAY.

APPEAL NO. 98-049

(8) PASCAL RIGO, dba "BAY BREADS", Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Administrator to Tecta Associates, dated March 11, 1998, that the proposed bakery at 2325 Pine Street is not permitted in the Upper Fillmore Neighborhood Commercial District under Planning Code Section 790.102 as a retail use; and that it is not an accessory use under Section 703.2(b)(1)(B)(iii) because the bakery area is well over 100 s.f. and Section 790.102 does not apply.
[FOR HEARING TODAY.

APPEAL NO. 98-054

(9) YERBA BUENA PIZZA CORP. & WILLOW STREET WOOD-FIRED PIZZA, Appellants
vs.
PLANNING COMMISSION, Respondent

[Planning Commission Section 309 exceptions granted on March 12, 1998 for the Moscone Center Expansion Project at 800-860 Howard Street from the bulk and wind speed standards of the Planning Code. Project is the construction of 680,000 s.f., three-story over basement, approximately 115-foot tall convention facility on a 189,000 s.f. site currently occupied by a six-story office-retail building, a two-story office-retail building and parking lot.
[PLANNING COMMISSION MOTION NO. 14458.
[FOR HEARING TODAY.

CLOSED SESSION:

(10A) **PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION.**

(10B) **CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(b).**

PUBLIC EMPLOYEE EVALUATION: Robert Feldman, Executive Secretary

(10C) **RECONVENE IN OPEN SESSION TO VOTE WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HELD IN CLOSED SESSION (San Francisco Administrative Code Section 67.10(b).**

Date posted: May 7, 1998

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LOBBYING ACTIVITY

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CITY AND COUNTY OF SAN FRANCISCO
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Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, MAY 13, 1998
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 404

(Room 404 used instead of usual Room 428 because of large crowd attending for Item 6)

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Jeremy Paul asked for clarification on Appeal 98-042 withdrawn last week by him; he asked that the parties' agreement be attached to the permit.

Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection, assured the Board it would be done.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: Vice President McInerney said that the Board accepted the withrawal with the understanding the agreement would be attached to the permit and President Cullum agreed.

at least 72 hours in advance of need

(3) **REQUEST FOR REHEARING:** Letter from Donald W. McNabb on behalf of Jim Chew, requesting rehearing of Appeal No. 97-175, 1785 Bancroft Avenue. Hearing March 18, 1998. Upon motion by Commissioner Salgado, the Board voted 4-1 (Vice President McInerney dissented) to **UPHOLD** the department and **DENY** the permit.

ACTION: After discussion, upon by Commissioner Schwartz, the Board voted 3-1 (Commissioner Chin dissented) to **DENY** the request for rehearing.

SPEAKERS: Don McNabb, agent for appellant; and Sergeant William Coggan, attorney for S.F.P.D.

APPEAL NO. 97-177

(4)
MAOE & LILA TJOE, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent

[Determination by the Director
[of Building Inspection dated
[December 16, 1997 addressed to
[the appellants that the work
[performed on the property at
[524 - 28th Avenue on August 6,
[7, and 8, 1997 constituted an
[unlawful demolition under S.F.
[Building Code Section 103.3 and
[that Building Permits 824810 and
[828609 are therefore revoked.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 4-0 to **OVERRULE** the department with **CONDITIONS** that the Departments of Building Inspection and Planning will reconfirm the 1990 permit and plans based on the illegal removal of a portion of the building, with a two times investigation fee imposed for work done without permit based on the cost of the permit issued in 1997.

SPEAKERS: James Hutchinson, Deputy Director of Permit Services for Department of Building Inspection; Robert Passmore, Zoning Administrator for the Planning Department; Roberta Caravelli and Edith McMillan, in support of the department; Frank Chu and Walter Wong, agents for appellants; Thomas Carroll and Jeremy Paul, in support of appellants; and Judith Boyajian, Deputy City Attorney.

The Board recessed from 7:44 to 8:02 p.m.

Items (5A), (5B) and (5C) were heard together

APPEAL NO. 98-032

(5A)
FRANKLIN S. HOLLEY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[13, 1998, to Margaret Rogerson,
[permit to Alter a Building (roof
[top addition-add an apartment
[at third floor and garage space
[at basement) at 3516-18 Sacramento
[Street.
[APPLICATION NO. 9712688S.
[FOR HEARING TODAY.

APPEAL NO. 98-033

(5B)
JOHN S. AGER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[13, 1998, to Margaret Rogerson,
[permit to Alter a Building (roof
[top addition-add an apartment
[at third floor and garage space
[at basement) at 3516-18 Sacramento
[Street.
[APPLICATION NO. 9712688S.
[FOR HEARING TODAY.

APPEAL NO. 98-034

(5C)
JOHN B. LOWRY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[13, 1998, to Margaret Rogerson,
[permit to Alter a Building (roof
[top addition-add an apartment
[at third floor and garage space
[at basement) at 3516-18 Sacramento
[Street.
[APPLICATION NO. 9712688S.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **July 15, 1998** at request of permit holder.

Item 6 was taken up at the end of the calendar because of the large audience for it.

APPEAL NO. 98-041

(6)
SIMONE JANSSEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[19, 1998, to Rita Murphy, permit
[to Erect a Building (10 live/work
[units) at 1025 - 17th Street.
[APPLICATION NO. 9711584S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to **UPHOLD** the department with findings as proposed and with additional findings by himself on truck data and the **CONDITION** that the appellant will donate $20,000 for the benefit of minority artists.

SPEAKERS: Zach Georgopoulos and Kenneth Brunetti, attorneys for appellant; Alice Barkley, attorney for permit holder; Simone Janssen, appellant; Julie Ray, Judy West, Jerry Jones, Camilla Agua, Fred Lewis, Sue Hestor, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; Sean Keating, Jerry Kellerer, Margaret Verges, Gail Anderson, Joe Cassidy, Manny Flores, Fred Lankin, Mack Burton, Jeff Harberger, Brian Bock, Joe O'Donoghue, in support of permit holder; Mr. Lattimore, general contractor for permit holder; Gary Gee and Shawn Gorman, architects for permit holder; and Ciaran Harty, husband of permit holder.

The Board recessed from 9:39 to 9:53 p.m.

at least 72 hours in advance of need

APPEAL NO. 98-052

(7)
WILFREDO MENDOZA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 11,
[1998, to Wai-Ming Luk, permit
[to Alter a Building (upgrade
[electrical wiring, replace window,
[install skylight, remodel kitchen,
[insulate walls where accessible)
[at 3641 - 23rd Street.
[APPLICATION NO. 9804149.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED TO CALL OF THE CHAIR** at the request by fax and mail of Ranjani Ramakrishna, attorney for permit holder-landlord.

APPEAL NO. 98-049

(8)
PASCAL RIGO, dba "BAY BREADS", Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator to Tecta Asso-
[ciates, dated March 11, 1998,
[that the proposed bakery at
[2325 Pine Street is not per-
[mitted in the Upper Fillmore
[Neighborhood Commercial Dis-
[trict under Planning Code
[Section 790.102 as a retail
[use; and that it is not an
[accessory use under Section
[703.2(b)(1)(B)(iii) because
[the bakery area is well over
[100 s.f. and Section 790.102
[does not apply.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Boar voted 3-1 (Commissioner Schwartz dissented) to **OVERRULE** the Zoning Administrator with findings as stated by Vice President McInerney.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Patricia Vaughey, in support of the department; and Ahmad Mohazed, agent fo appellant; Pascal Rigo, appellant.

APPEAL NO. 98-054

(9)
YERBA BUENA PIZZA CORP. & WILLOW STREET WOOD-FIRED PIZZA, Appellants
vs.
PLANNING COMMISSION, Respondent

[Planning Commission Section 309
[exceptions granted on March 12,
[1998 for the Moscone Center Expan-
[sion Project at 800-860 Howard
[Street from the bulk and wind
[speed standards of the Planning
[Code. Project is the construction
[of 680,000 s.f., three-story over
[basement, approximately 115-foot
[tall convention facility on a

[189,000 s.f. site currently
[occupied by a six-story office-
[retail building, a two-story
[office-retail building and
[parking lot.
[PLANNING COMMISSION MOTION NO.
[14458.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 4-0 to **OVERRULE** the Zoning Administrator with findings as submitted by the permit holder. A second vote was made to incorporate additional findings.

SPEAKERS: David Silverman, attorney for appellant; Robert Passmore, Zoning Administrator for the Planning Department; and Ray Fong, project manager for Department of Public Works.

CLOSED SESSION:

(10A) PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION.

SPEAKERS: None.

(10B) CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(b).

PUBLIC EMPLOYEE EVALUATION: Robert Feldman, Executive Secretary

(10C) RECONVENE IN OPEN SESSION TO VOTE WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HELD IN CLOSED SESSION (San Francisco Administrative Code Section 67.10(b).

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 **NOT TO DISCLOSE** any or all discussions held in closed session.

There being no further business, President Cullum adjourned the meeting at 11:15 p.m.

Robert H Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

(Agenda)

WEDNESDAY, JUNE 3, 1998

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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EXECUTIVE SESSION

Public comment on all matters pertaining to the closed session.

Vote on whether to hold a closed session to confer with legal counsel (S.F. Administrative Code Section 67.11(a)).

Closed session pursuant to Government Code Section 54956.9 and S.F. Administrative Code Section 67.11(b).

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Susan and Dale Weidmer, et al., plaintiffs
vs.
CCSF, Board of Appeals, et al., defendants
Superior Court No. 994-443
Appeal No. 97-139
406-410 Lombard Street

Reconvene in open session. Vote to elect whether to disclose any or all discussions held in closed session (S.F. Administrative Code Section 67.14(a)).

ular meeting calendar begins at 6:00 p.m.

PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

COMMISSIONERS COMMENTS AND QUESTIONS.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Letter from Michael Tomars, appellant, requesting rehearing of Appeal No. 98-043, 1100 Howard Street. Hearing May 6, 1998. The Board was polled as to whether the Negative Declaration had been reviewed and considered. All answered "Aye". After discussion and testimony, the Board voted 2-1 (Commissioner Schwartz dissented) to **UPHOLD** the department and **GRANT** the permit.

ITEM B: Letter from David Silverman, attorney for Wood-Fired Pizza and Yerba Buena Pizza Corporation at 800-860 Howard Street, requesting rehearing of Appeal No. 98-054. Hearing May 13, 1998. Upon motion by President Cullum, the Board vote 4-0 to **OVERRULE** the Zoning Administrator with findings as submitted by the permit holder. A second vote was made to incorporate additional findings.

(5) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 98-063

(A)
JOHN VOLLAND, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on April 16, 1998, for
[work done at 518 Utah Street.
[APPLICATION NO. 9723889.
[FOR HEARING TODAY.

APPEAL NO. 98-064

(B)
YUAN ZUO HUANG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on April 15, 1998, for
[work done at 2092 Thomas Avenue.
[APPLICATION NO. 9805970.
[FOR HEARING TODAY.

APPEAL NO. 98-067

(C)
PRANA INCOME FUND 4, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on April 17, 1998, for
[work done at 2576-78 Folsom Street
[APPLICATION NO. 9806646.
[FOR HEARING TODAY.

APPEAL NO. 98-068

(D)
JAIME A. LAZO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on April 20, 1998, for
[work done at 454 Vienna Street.
[APPLICATION NO. 9804759.
[FOR HEARING TODAY.

APPEAL NO. 98-079

(E)
ORACE McGHEE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition Penalty on April
[30, 1998, for work done at
[1532 Revere Street.
[APPLICATION NO. 9719919.
[FOR HEARING TODAY.

APPEAL NO. 98-080

(F)
JOEL GOLEBURN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on May 6, 1998, for
[work done at 380 - 7th Street
[APPLICATION NO. 9802654.
[FOR HEARING TODAY.

APPEAL NO. 98-089

(G)
LORI HIGA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on May 13, 1998, for
[work done at 2310 - 48th Avenue.
[APPLICATION NO. 9808061.
[FOR HEARING TODAY.

APPEAL NO. 98-035

VICTOR TWAL dba "BUDDIES",
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on February 13, 1998,
[of permit to Alter a Building
[(legalize 3' x 4' x 12'6"
[awning and sign installed with-
[out permit) at 498 Sanchez Street.
[APPLICATION NO. 9723854.
[FOR HEARING TODAY.

APPEAL NO. 98-044

SIMA KUSHNIRSKY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[25, 1998, to Vlad Shubov, permit
[to Alter a Building (plans are
[revisions to plans under BPA
[9800553 required after discre-
[tionary review by Planning Com-
[mission on December 18, 1997 for
[removal of rear extension built
[without permit; permit holder
[seeks reinstatement of extension
[disallowed by Commission and
[appellant seeks removal of all
[of rear extension built in viola-
[tion of Codes) at 1234-33rd Ave.
[APPLICATION NO. 9803117.
[FOR HEARING TODAY.

APPEAL NO. 98-047

BERTHA McHENRY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPRATMENT APPROVAL

[Protesting issuance on February
[27, 1998, to Mark Hayes, permit
[to Alter a Building (add deck
[to rear of house) at
[339 Ralston Street.
[APPLICATION NO. 9803377.
[FOR HEARING TODAY.

APPEAL NO. V98-066

DAVID & DIONE KING, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on April 7,
[1998, to Simon Hallgarten, Front
[Yard Variance (remodel and extend
[the first and second stories of
[an existing two-story dwelling
[to the front property line) for
[property at 1258 Clayton Street.
[VARIANCE CASE NO. 97.479V.
[FOR HEARING TODAY.

APPEAL NO. 98-045

NIMAN-SCHELL MEATS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[25, 1998, to Langton Street LLC,
[permit to Erect a Building (16
[live/work units) at 321 Langton
[Street.
[APPLICATION NO. 9505915S.
[FOR HEARING TODAY.

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Carole Cullum, President, and be received at the Board office, 875 Stevenson Street, Room 440, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and nine copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 554-9510.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, JUNE 3, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector and Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

(1) **EXECUTIVE SESSION**

(A) Public comment on all matters pertaining to the closed session.

SPEAKERS: None.

(B) Vote on whether to hold a closed session to confer with legal counsel (S.F. Administrative Code Section 67.11(a)).

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to hold closed session.

(C) Closed session pursuant to Government Code Section 54956.9 and S.F. Administrative Code Section 67.11(b).

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Susan and Dale Weidmer, et al., plaintiffs
vs.
CCSF, Board of Appeals, et al., defendants
Superior Court No. 994-443
Appeal No. 97-139
406-410 Lombard Street

SPEAKER: Judith Boyajian, Deputy City Attorney, discussed litigation.

(D) Reconvene in open session. Vote to elect whether to disclose any or all discussions held in closed session (S.F. Administrative Code Section 67.14(a)).

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 not to discuss any and all discussions held in closed session.

Regular meeting calendar began at 6:00 p.m.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify durin the meeting.

(2) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to addres the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which member of the public were allowed to testify and the Board has closed the public hearing your opportunity to address the Board must be exercised during the Public Commen portion of the calendar. Each member of the public may address the Board for u to three minutes. If it is demonstrated that comments by the public will excee 15 minutes, the President may continue Public Comment to another time during th meeting.

SPEAKERS: None.

(3) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKER: Commissioner Chin requested that a rule amendment on starting time fo meetings be calendared for next week.

(4) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Letter from Michael Tomars, appellant, requesting rehearing of Appeal No 98-043, 1100 Howard Street. Hearing May 6, 1998. The Board was polled as to whethe the Negative Declaration had been reviewed and considered. All answered "Aye" After discussion and testimony, the Board voted 2-1 (Commissioner Schwartz dissented to UPHOLD the department and GRANT the permit.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board vote 4-0 to DENY the request for the rehearing.

SPEAKERS: Michael Tomars, appellant; and Alice Barkley, attorney for permit holder.

ITEM B: Letter from David Silverman, attorney for Wood-Fired Pizza and Yerba Buen Pizza Corporation at 800-860 Howard Street, requesting rehearing of Appeal No. 98-054 Hearing May 13, 1998. Upon motion by President Cullum, the Board voted 4-0 to UPHOL the Planning Commission with findings as submitted by the permit holder. A secon vote was made to incorporate additional findings.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to **DENY** the request for rehearing.

SPEAKERS: David Silverman, attorney for appellants; and Ray Fong, project manager.

(5) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote on items 5B through 5E and 5G without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board took testimony on items 5A and 5G and decided the appeals individually.

APPEAL NO. 98-063

(A)
JOHN VOLLAND, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on April 16, 1998, for
[work done at 518 Utah Street.
[APPLICATION NO. 9723889.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to three times the regular fee of $215.80 for a total of $647.40.

SPEAKERS: John Volland, appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 98-064

(B)
YUAN ZUO HUANG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on April 15, 1998, for
[work done at 2092 Thomas Avenue.
[APPLICATION NO. 9805970.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $297.05 for a total of $594.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-067

(C)
PRANA INCOME FUND 4, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on April 17, 1998, for
[work done at 2576-78 Folsom Street.
[APPLICATION NO. 9806646.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $215.80 for a total of $431.60.

at least 72 hours in advance of need.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-068

(D)
JAIME A. LAZO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on April 20, 1998, for
[work done at 454 Vienna Street.
[APPLICATION NO. 9804759.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Boa voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penal be reduced to two times the regular fee of $297.05 for a total of $594.1

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-079

(E)
ORACE McGHEE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition Penalty on April
[30, 1998, for work done at
[1532 Revere Street.
[APPLICATION NO. 9719919.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Boa voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penal be reduced to two times the regular fee of $102.05 for a total of $204.1

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-080

(F)
JOEL GOLEBURN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on May 6, 1998, for
[work done at 380 - 7th Street
[APPLICATION NO. 9802654.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Boa voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penal be reduced to four times the regular fee of $378.30 for a total $1,513.20.

SPEAKERS: Joel Goleburn, appellant; and Laurence Kornfield, Chief Building Inspect for the Department of Building Inspection.

APPEAL NO. 98-089

(G)
LORI HIGA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on May 13, 1998, for
[work done at 2310 - 48th Avenue.
[APPLICATION NO. 9808061.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $215.80 for a total of $431.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-035

(6)
VICTOR TWAL dba "BUDDIES",
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on February 13, 1998,
[of permit to Alter a Building
[(legalize 3' x 4' x 12'6"
[awning and sign installed with-
[out permit) at 498 Sanchez Street.
[APPLICATION NO. 9723854.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to **CONTINUE** the matter to **September 9, 1998.**

SPEAKERS: Tim Cronin, attorney for appellant; and Robert Passmore, Zoning Administrator for the Planning Department.

APPEAL NO. 98-044

(7)
SIMA KUSHNIRSKY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[25, 1998, to Vlad Shubov, permit
[to Alter a Building (plans are
[revisions to plans under BPA
[9800553 required after discre-
[tionary review by Planning Com-
[mission on December 18, 1997 for
[removal of rear extension built
[without permit; permit holder
[seeks reinstatement of extension
[disallowed by Commission and
[appellant seeks removal of all
[of rear extension built in viola-
[tion of Codes) at 1234-33rd Ave.
[APPLICATION NO. 9803117.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 1-3 (Vice President McInerney, Commissioners Chin and Schwartz dissented) to overrule the department and deny the permit. Four votes are needed and the motion failed. Then upon motion by Vice President McInerney, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS:** The permit is upheld as to the first and second floor additions; the plans shall be revised to cut back the third floor to what had been recommended by the Planning Department. The Board adopts as its Section 311 Findings the Planning Department Design Review Checklist and Comments for case 97.780D as attached to the staff analysis and said findings are incorporated by reference.

at least 72 hours in advance of need.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JUNE 3, 1998 (cont'd.)

SPEAKERS: Laurel Stanley, attorney for appellant; Sima Kushnirsky, appellant; Bo Hamilton, Dolores Daher, Penelope Jackmakidis, Keith R. Wilson, Hirosh Fukuda, John Bardis, Giampaolo Curreri, Sofia Elman, Jeffrey Litvak in support of appellant; Robert Passmore, Zoning Administrator for th Planning Department; Jeremy Paul, agent for permit holder; Scott Sarran

Boris Gribanovsky, Michael Khodorkovsky, Dora Dizitser, Tatiana Gluklaya Leonard Kanishsky, Frank Arndt, in support of permit holder; and Rafae Torres-Gil, Senior Building Inspector for the Department of Buildin Inspection.

The Board recessed from 8:32 to 8:44 p.m. Vice President McInerney left the meeting a 8:40 p.m.

APPEAL NO. 98-047

(8)
BERTHA McHENRY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPRATMENT APPROVAL

[Protesting issuance on February
[27, 1998, to Mark Hayes, permit
[to Alter a Building (add deck
[to rear of house) at
[339 Ralston Street.
[APPLICATION NO. 9803377.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 3- to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS:** The permi holder shall build a privacy screen on the north end of the subject deck.

SPEAKERS: Bertha McHenry, appellant; Angela Addison, in support of appellant; Rober Passmore, Zoning Administrator for the Planning Department; Mark Hayes permit holder; and Laurence Kornfield, Chief Building Inspector for th Department of Building Inspection.

APPEAL NO. V98-066

(9)
DAVID & DIONE KING, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on April 7,
[1998, to Simon Hallgarten, Front
[Yard Variance (remodel and extend
[the first and second stories of
[an existing two-story dwelling
[to the front property line) for
[property at 1258 Clayton Street.
[VARIANCE CASE NO. 97.479V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board vot 3-0 to **UPHOLD** the Zoning Administrator and his findings.

SPEAKERS: David King, appellant; Joseph Butler, architect for appellants; Lauren Kornfield, Chief Building Inspector for the Department of Building Inspe tion; Simon and Rosemary Hallgarten, variance holders; Jeff Moroso, general contractor for variance holder; Judy West, in support of variance holder; Jeremy Paul, agent for variance holder; Robert Passmore, Zoning Adminstrator for the Planning Department.

APPEAL NO. 98-045

(10)
NIMAN-SCHELL MEATS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[25, 1998, to Langton Street LLC,
[permit to Erect a Building (16
[live/work units) at 321 Langton
[Street.
[APPLICATION NO. 9505915S.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to **June 10, 1998** at 5:00 p.m. for lack of quorum. Vice President McInerney recused and Commissioner Schwartz ill and unable to stay late enough to hear the case.

SPEAKERS: Alice Barkley, attorney for permit holder; and Sue Hestor, attorney for appellant.

There being no further business, President Cullum adjourned the meeting at 9:55 p.m.

Robert H Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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/10/98

Agenda

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JUNE 10, 1998

5:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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JUN 05 1998
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IAL ORDER AT 5:00 P.M.

APPEAL NO. 98-045

NIMAN-SCHELL MEATS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[25, 1998, to Langton Street LLC,
[permit to Erect a Building (16
[live/work units) at 321 Langton
[Street.
[APPLICATION NO. 9505915S.
[FOR HEARING TODAY.

lar calendar at 6:00 p.m.

PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

COMMISSIONERS COMMENTS AND QUESTIONS.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR REHEARING:

ITEM A: Letter from Robert Passmore, Zoning Administrator for the Planning Department, requesting rehearing of Appeal No. 98-049, 2325 Pine Street. Hearing May 13, 1998. Upon motion by Vice President McInerney, the Board voted 3-1 (Commissioner Schwartz dissented) to **OVERRULE** the Zoning Administrator with findings as stated by Vice President McInerney.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM B: Letter from Kinry C. Louie requesting jurisdiction over Building Permit Application No. 9804978 issued to Jack H. Zhang for alterations to an existing restaurant at 1662 - 34th Avenue.

Date issued	April 20, 1998
Last day to appeal	May 5, 1998
Request for jurisdiction	May 22, 1998

APPEAL NO. 97-043

OUTDOOR SYSTEMS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Denial on March 11, 1997, of
[permit to Alter a Building
[(replace rooftop general adver-
[tising sign) at 275 Post Street.
[APPLICATION NO. 9613693.
[FOR REHEARING TODAY.

Items (6A) and (6B) shall be heard together

APPEAL NO. 98-010

(6A)
CHARLES & LUCINDA CROCKER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on January 9, 1998, of
[permit to Alter a Building
[(replace gable roof with flat
[roof deck; remove bath and stairs
[at upper level; interior renova-
[tion; renovate facade; remove
[interior partition walls and
[renovate garage level; reuse facade
[at rear structure; construct pool
[in courtyard; join openings with
[1405 Montgomery Street) at
[1403 Montgomery Street.
[APPLICATION NO. 9707006S.
[FOR HEARING TODAY.

APPEAL NO. 98-011

(6B)
CHARLES & LUCINDA CROCKER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on January 9, 1998, of
[permit to Alter a Building
[(replace doors and windows at
[front facade; renovate facade
[of rear structure; remove stair
[penthouse at roof deck; minor
[interior alterations; join
[openings with 1403 Montgomery
[Street) at 1405 Montgomery St.
[APPLICATION NO. 9707007S.
[FOR HEARING TODAY.

APPEAL NO. 98-085

(7)
LEVEL 3 COMMUNICATIONS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on May 8, 1998, of
[permit to Alter a Building
[(construct a new mechanical/
[electrical generator on roof)
[at 105-185 Berry Street.
[APPLICATION NO. 9806151.
[FOR HEARING TODAY.

APPEAL NO. 97-172

(8)
TERRANCE LEE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December
[12, 1997, to Reyna Lopez, permit
[to Alter a Building (replace
[existing wood fence with eight
[foot cinder block fence on side
[and rear of property) at
[130 - 27th Street.
[APPLICATION NO. 9723036.
[FOR HEARING TODAY.

APPEAL NO. 98-060

(9)
MICHAEL A. KELLY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 31,
[1998, to Amerippon, Inc., permit
[to Alter a Building (widen exist-
[ing driveway on lot only; remove
[windows rear nook and kitchen;
[add new window; add deck over
[over existing roof at rear; add
[pole ladder and metal rail; repla
[windows at rear; add skylight;
[change roof framing; remodel thir
[floor) at 3404 Clay Street.
[APPLICATION NO. 9802328.
[FOR HEARING TODAY.

) **AMENDMENT TO RULES OF BOARD OF APPEALS**: Public hearing and consideration of adoption of amendment to Section 1 of Article I of the Board's Rules changing the starting time of Wednesday night meetings from 6:00 p.m. to an earlier time.

This hearing has been scheduled at the request of the Board president. The place of meetings will remain in Room 428 in the interim City Hall, the Veterans War Memorial Building at 401 Van Ness Avenue, corner McAllister Street.

Copies of the Board's Rules are available at the Board office at 875 Stevenson, Room 440, off Tenth Street.

e posted: June 4, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Carole Cullum, President, and be received at the Board office, 875 Stevenson Street, Room 440, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and nine copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 554-9510.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, JUNE 10, 1998
5:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.

SPECIAL ORDER AT 5:00 P.M.

APPEAL NO. 98-045

(1)
NIMAN-SCHELL MEATS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[25, 1998, to Langton Street LLC,
[permit to Erect a Building (16
[live/work units) at 321 Langton
[Street.
[APPLICATION NO. 9505915S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 1-2 (President Cullum and Commissioner Chin dissented, Vice President McInerney absent) to overrule the department and deny the permit. Three votes are needed. The department is **UPHELD** and the permit **GRANTED**.

SPEAKERS: Sue Hestor, attorney for appellant; Michael McConnell, appellant; Brad Paul, Cheryl Parker, Dan Greening, Ted Wildenradt, David Siegel, Bert Lutz, Joel Vanderwerf, Judy West, Susan Schelling, Eric Wildenradt, Storm Large, Martha Branagan, in support of the appellant; Robert Passmore, Zoning Administrator for the Planning Department; Alice Barkley, attorney for permit holder; Gary Gee, Sean Keighran, Charles Breidinger, Louie Ravad, John O'Connor, Joe Cassidy, Michael Spaer, James Nunemacher, Richard Hart, Joe O'Donoghue, Mack Burton, Joe Hernon, Eamon Murphy, in support of the permit holder.

The Board recessed from 6:38 to 6:47 p.m.

Regular calendar began at 6:47 p.m.

(2) **PUBLIC COMMENT:** At this time, members of the public may address the Board on item of interest to the public that are within the subject matter jurisdiction of th Board except agenda items. With respect to agenda items, your opportunity to addres the Board will be afforded when the item is reached in the meeting with one exception When the agenda item has already been reviewed in a public hearing at which member of the public were allowed to testify and the Board has closed the public hearing your opportunity to address the Board must be exercised during the Public Commen portion of the calendar. Each member of the public may address the Board for u to three minutes. If it is demonstrated that comments by the public will excee 15 minutes, the President may continue Public Comment to another time during th meeting.

SPEAKERS: None.

(3) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(4) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Robert Passmore, Zoning Administrator for the Planning Depar ment, requesting rehearing of Appeal No. 98-049, 2325 Pine Street. Hearing May 1 1998. Upon motion by Vice President McInerney, the Board voted 3-1 (Commission Schwartz dissented) to **OVERRULE** the Zoning Administrator with findings as stat by Vice President McInerney.

ACTION: After discussion, upon motion by President Cullum, the Board voted 4 to **GRANT** rehearing and scheduled it for **July 8, 1998.**

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; a Ahmad Mohazab, architect for project sponsor.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM B: Letter from Kinry C. Louie requesting jurisdiction over Building Perm Application No. 9804978 issued to Jack H. Zhang for alterations to an existing re taurant at 1662 - 34th Avenue.

Date issued	April 20, 1998
Last day to appeal	May 5, 1998
Request for jurisdiction	May 22, 1998

ACTION: **WITHDRAWN** prior to hearing by requestor.

Board except agenda items. With respect to agenda items, your opportunity to address

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JUNE 10, 1998 (cont'd.)

APPEAL NO. 97-043

(5)
OUTDOOR SYSTEMS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Denial on March 11, 1997, of
[permit to Alter a Building
[(replace rooftop general advertising sign) at 275 Post Street.
[APPLICATION NO. 9613693.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion President Cullum, the Board voted 4-0 to **GRANT** the permit with the **CONDITION** that the recommendations of the peer review engineers be followed as to bracing.

SPEAKERS: Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Harry O'Brien, attorney for appellant.

Items (6A) and (6B) were heard together

APPEAL NO. 98-010

(6A)
CHARLES & LUCINDA CROCKER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on January 9, 1998, of
[permit to Alter a Building
[(replace gable roof with flat
[roof deck; remove bath and stairs
[at upper level; interior renovation; renovate facade; remove
[interior partition walls and
[renovate garage level; reuse facade
[at rear structure; construct pool
[in courtyard; join openings with
[1405 Montgomery Street) at
[1403 Montgomery Street.
[APPLICATION NO. 9707006S.
[FOR HEARING TODAY.

APPEAL NO. 98-011

(6B)
CHARLES & LUCINDA CROCKER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on January 9, 1998, of
[permit to Alter a Building
[(replace doors and windows at
[front facade; renovate facade
[of rear structure; remove stair
[penthouse at roof deck; minor
[interior alterations; join
[openings with 1403 Montgomery
[Street) at 1405 Montgomery St.
[APPLICATION NO. 9707007S.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **CALL OF THE CHAIR** at request of appellants.

APPEAL NO. 98-085

(7)
LEVEL 3 COMMUNICATIONS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on May 8, 1998, of
[permit to Alter a Building
[(construct a new mechanical/
[electrical generator on roof)
[at 105-185 Berry Street.
[APPLICATION NO. 9806151.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Boar voted 4-0 to **OVERRULE** the department and **GRANT** the permit with findings.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Ton Sanchez-Corea, agent for appellant; and Glen Edgeworth, architect fo appellant.

APPEAL NO. 97-172

(8)
TERRANCE LEE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December
[12, 1997, to Reyna Lopez, permit
[to Alter a Building (replace
[existing wood fence with eight
[foot cinder block fence on side
[and rear of property) at
[130 - 27th Street.
[APPLICATION NO. 9723036.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 4- to **CONTINUE** the matter to **August 12, 1998** to allow the appellant to obta adequate representation.

SPEAKERS: Denise Leadbetter, attorney for appellant; Reyna Lopez, permit holde Yacub Totah, Amy Ellinger and Phil Shinman, in support of appellan Terrance Lee, appellant.

APPEAL NO. 98-060

(9)
MICHAEL A. KELLY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 31,
[1998, to Amerippon, Inc., permit
[to Alter a Building (widen exist-
[ing driveway on lot only; remove
[windows rear nook and kitchen;
[add new window; add deck over
[over existing roof at rear; add
[pole ladder and metal rail; repla
[windows at rear; add skylight;
[change roof framing; remodel thir
[floor) at 3404 Clay Street.
[APPLICATION NO. 9802328.
[FOR HEARING TODAY.

Board except agenda items. With respect to agenda items, your opportunity to

ACTION: **WITHDRAWN** by appellant prior to hearing.

(10) **AMENDMENT TO RULES OF BOARD OF APPEALS:** Public hearing and consideration of adoption of amendment to Section 1 of Article I of the Board's Rules changing the starting time of Wednesday night meetings from 6:00 p.m. to an earlier time.

This hearing has been scheduled at the request of the Board president. The place of meetings will remain in Room 428 in the interim City Hall, the Veterans War Memorial Building at 401 Van Ness Avenue, corner McAllister Street.

Copies of the Board's Rules are available at the Board office at 875 Stevenson, Room 440, off Tenth Street.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 2-2 (President Cullum and Commissioner Schwartz dissented) to change the start of the hearing from 6:00 to 5:15 p.m. Three votes needed and the motion failed. Then upon motion by President Cullum, the Board voted 4-0 to **CHANGE** the start of the hearing from 6:00 to 5:30 p.m.

SPEAKERS: None.

There being no further business, President Cullum adjourned the meeting at 7:52 p.m.

Robert H. Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

Agenda

7/98

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JUNE 17, 1998

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

DEPOSITORY ITEM
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1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from George G. Walker, attorney for Insook Ha, dba "Lee's Massage" requesting that the Board take jurisdiction over revocation of massage establishment permit at 1284 Mission Street.

Date of decision	May 18, 1998
Last day to appeal	June 2, 1998
Request for jurisdiction	June 5, 1998

REQUEST FOR REHEARING:

ITEM B: Letter on behalf on Sima Kushnirsky, appellant, requesting rehearing of Appeal No. 98-044, 1234 - 33rd Avenue. Permit holder, Vlad Shubov. Hearing was held on June 3, 1998. Upon motion of Vice President McInerney, the Board voted 4-0 to **UPHOLD** the department with **CONDITIONS**.

APPEAL NO. 98-048

4)
DAVID AND ELAINE SAUERS, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 6,
[1998, to Bo Thorenfeldt, permit
[to Erect a Building (four-story
[two-unit dwelling) at 415 Lily
[Street.
[APPLICATION NO. 9521265S.
[FOR HEARING TODAY.

APPEAL NO. 98-065

5)
ANNE NOVAK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 2,
[1998, to Brad Polvorosa, permit
[to Alter a Building (remove fix-
[tures in kitchen and bathroom,
[no structural work) at
[67 Glover Street.
[APPLICATION NO. 9805652.
[FOR HEARING TODAY.

APPEAL NO. 98-077

(6)
JOCELYN GILBERT BENATOUIL, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 15
[1998, to Comac Investments,
[to Demolish a Building at
[788 - 8th Avenue.
[APPLICATION NO. 9801583.
[FOR HEARING TODAY.

Items (7A) and (7B) shall be heard together

APPEAL NO. 98-059

(7A)
MARIA A. KAU DE LOO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 14
[1998, to K.C. Wong, permit to
[Alter a Building (extend groun
[floor; expand the upper unit;
[add third floor with three
[bedrooms and three bathrooms)
[311 - 4th Avenue.
[APPLICATION NO. 9725571S.
[FOR HEARING TODAY.

APPEAL NO. 98-061

(7B)
ROSE MARIE O'CONNOR, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 1
[1998, to K.C. Wong, permit to
[Alter a Building (extend groun
[floor; expand the upper unit;
[add third floor with three
[bedrooms and three bathrooms)
[311 - 4th Avenue.
[APPLICATION NO. 9725571S.
[FOR HEARING TODAY.

APPEAL NO. 98-031

(8)
CUONG SI PHUNG & SIE KOOK LOW,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent

[Determination by the Director
[of Building Inspection dated
[February 11, 1998 addressed
[to the appellants that the
[work performed on the property
[at 719 London Street constitutd
[an unlawful demolition under SF
[Building Code Section 103.3 ar
[that Building Permit Applicatin
[No. 9508509S is therefore revce
[FOR HEARING TODAY.

Date posted: June 11, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Carole Cullum, President, and be received at the Board office, 875 Stevenson Street, Room 440, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and nine copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

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Accessible seating for persons with disabilities (including those using wheelcha will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full vie the public. Commissions, boards, councils and other agencies of the City and Co exist to conduct the people's business. This ordinance assures that delibera are conducted before the people and that City operations are open to the peop review.

For more information on your rights under the Sunshine Ordinance (Chapter 6 the San Francisco Administrative Code) or to report a violation of the ordin contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to r individuals and entities that influence or attempt to influence local legisl or administrative action that they may be required by the San Francisco Lob Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lob activity. For more information about the Lobbyist Ordinance, please contac Ethics Commission at 554-9510.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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Dept. 41

17/98

MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, JUNE 17, 1998
6:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Carole Cullum, Vice President John McInerney and Commissioner Mau Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Lauren Kornfield, Chief Building Inspector for the Department of Building Inspectio and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

ABSENT: Commissioner Arnold Chin.

Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify duri the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on iten of interest to the public that are within the subject matter jurisdiction of tl Board except agenda items. With respect to agenda items, your opportunity to addre the Board will be afforded when the item is reached in the meeting with one exceptio When the agenda item has already been reviewed in a public hearing at which membe of the public were allowed to testify and the Board has closed the public hearin your opportunity to address the Board must be exercised during the Public Comme portion of the calendar. Each member of the public may address the Board for u to three minutes. If it is demonstrated that comments by the public will excee 15 minutes, the President may continue Public Comment to another time during tl meeting.

SPEAKER: Jeremy Paul urged Board to look at the Shubov appeal in terms of tl individual facts presented and not as a matter of public policy.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from George G. Walker, attorney for Insook Ha, dba "Lee's Massage requesting that the Board take jurisdiction over revocation of massage establishmen permit at 1284 Mission Street.

use of a reader during the meeting, please contact Catherine Johnson at 554-67

Date of decision	May 18, 1998
Last day to appeal	June 2, 1998
Request for jurisdiction	June 5, 1998

ACTION: After discussion, upon motion by President Cullum, the Board voted to **GRANT** jurisdiction. Mr. Walker has fifteen days to file an appeal.

SPEAKERS: George Walker, attorney for requestor; and Sergeant William Coggan, torney for S.F.P.D.

REQUEST FOR REHEARING:

ITEM B: Letter on behalf on Sima Kushnirsky, appellant, requesting rehearing Appeal No. 98-044, 1234 - 33rd Avenue. Permit holder, Vlad Shubov. Hearing held on June 3, 1998. Upon motion of Vice President McInerney, the Board voted to **UPHOLD** the department with **CONDITIONS**.

ACTION: **RESCHEDULED** to **July 1, 1998** for lack of quorum.

APPEAL NO. 98-048

(4)
DAVID AND ELAINE SAUERS, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 6,
[1998, to Bo Thorenfeldt, permit
[to Erect a Building (four-story
[two-unit dwelling) at 415 Lily
[Street.
[APPLICATION NO. 9521265S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board v 3-0 to **UPHOLD** the department and **GRANT** the permit with the written ag ment prepared by the parties.

SPEAKERS: Lynn Axelrod, attorney for appellants.

APPEAL NO. 98-065

(5)
ANNE NOVAK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 2,
[1998, to Brad Polvorosa, permit
[to Alter a Building (remove fix
[tures in kitchen and bathroom,
[no structural work) at
[67 Glover Street.
[APPLICATION NO. 9805652.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted to **OVERRULE** the department and **DENY** the permit with findings by Presi Cullum.

SPEAKERS: Brent Kernan, attorney for appellant; Anne Novak, appellant; Juan Dieg Perez-Vargas, in support of appellant; Clifford Field, attorney for permi holder; Brad Polvorosa, permit holder; Laurence Kornfield, Chief Buildin Inspector for the Department of Building Inspection; and Robert Passmore Zoning Administrator for the Planning Department.

APPEAL NO. 98-077

(6)
JOCELYN GILBERT BENATOUIL, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 15,
[1998, to Comac Investments,
[to Demolish a Building at
[788 - 8th Avenue.
[APPLICATION NO. 9801583.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Boa voted 3-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Jocelyn Gilbert Benatouil, appellant; Jay Rosenthal, attorney for permi holder; Brian McEvoy, permit holder; Laurence Kornfield, Chief Buildi Inspector for the Department of Building Inspection.

Items (7A) and (7B) were heard together

APPEAL NO. 98-059

(7A)
MARIA A. KAU DE LOO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 14,
[1998, to K.C. Wong, permit to
[Alter a Building (extend ground
[floor; expand the upper unit;
[add third floor with three
[bedrooms and three bathrooms)
[311 - 4th Avenue.
[APPLICATION NO. 9725571S.
[FOR HEARING TODAY.

APPEAL NO. 98-061

(7B)
ROSE MARIE O'CONNOR, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 14,
[1998, to K.C. Wong, permit to
[Alter a Building (extend ground
[floor; expand the upper unit;
[add third floor with three
[bedrooms and three bathrooms)
[311 - 4th Avenue.
[APPLICATION NO. 9725571S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Boar voted 3-0 to **UPHOLD** the department and **GRANT** the permit with the **CON DITION** that the boiler room shall be vented by a shaft through to th roof, to direct noise and odors away from the neighbors' buildings.

SPEAKERS: Rose Marie O'Connor, appellant; Douglas O'Connor, George Kau and Ar Armand, in support of appellant; Jack Wholey, attorney for permit holc Mike Bernick, in support of permit; Fu-Him Yim, engineer for permit h der; Laurence Kornfield, Chief Building Inspector for the Departn of Building Inspection; and Robert Passmore, Zoning Administrator the Planning Department.

APPEAL NO. 98-031

CUONG SI PHUNG & SIE KOOK LOW,
Appellants
(8) vs.
DEPT. BUILDING INSPECTION, Respondent

[Determination by the Director
[of Building Inspection dated
[February 11, 1998 addressed
[to the appellants that the
[work performed on the property
[at 719 London Street constitute
[an unlawful demolition under S.
[Building Code Section 103.3 and
[that Building Permit Applicatio
[No. 9508509S is therefore revok
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **July 29, 1998** at request of Walter Wong, agent for ap lants.

There being no further business, President Cullum adjourned the meeting at 8:05 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official C Reporter, (415) 386-9018.

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JULY 1, 1998

5:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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SAN FRANCISCO
PUBLIC LIBRARY

is hearing is set at 5:00 p.m. by Special Order of the President of the Board.

) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

) **COMMISSIONERS COMMENTS AND QUESTIONS.**

) **REQUESTS FOR REHEARING:**

ITEM A: Letter from Lawrence W. Fasano, Jr., attorney for Sima Kushnirsky, appellant requesting rehearing of Appeal No. 98-044, 1234 - 33rd Avenue. Hearing June 3, 1998. Upon motion by President Cullum, the Board voted 1-3 (Vice President McInerney, Commissioners Chin and Schwartz dissented) to overrule the department and deny the permit. Four votes are needed and the motion failed. Then upon motion by Vice President McInerney, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS**: The permit is upheld as to the first and second floor additions; the plans shall be revised to cut back the third floor to what had been recommended by the Planning Department. The Board adopts as its Section 311 Findings the Planning Department Design Review Checklist and Comments for case 97.780D as attached to the staff analysis and said findings are incorporated by reference.

ITEM B: Letter from Sue Hestor, attorney for Niman-Schell Meats, appellant, requesting rehearing of Appeal No. 98-045, 321 Langton Street. Hearing June 10, 1998. Upon motion by Commissioner Schwartz, the Board voted 1-2 (President Cullum and Commissioner Chin dissented, Vice President McInerney absent) to overrule the department and deny the permit. Three votes are needed. The department is **UPHELD** and the permit **GRANTED**.

APPEAL NO. 97-139

JOHN SANGER & DENNIS McELRATH, et al., Appellants	[Protesting issuance on January [12, 1995, to Charles R. Thomas, [permit to Alter a Building [(construct roof deck, staircase [penthouse and windscreen) at [406-410 Lombard Street. [APPLICATION NO. 9304568S. [SUPERIOR COURT NO. 994-443. [FOR REHEARING ON REMAND TODAY.
) vs.	
DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	

te: Meetings of this Board will begin at 5:30 p.m. beginning July 8, 1998.

te posted: June 25, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

PROCEDURE AT HEARINGS

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SPECIAL NOTES

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REQUESTS FOR REHEARING

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Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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Larkin/Grove Sts.
Dept. 41

MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, JULY 1, 1998
5:00 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

/98

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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Helen Chin, Official Court Reporter.

This hearing was set at 5:00 p.m. by Special Order of the President of the Board.

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS**.

SPEAKER: President Cullum apologized for delay in starting the hearing; Commissioner Chin was due to arrive from San Diego.

(3) **REQUESTS FOR REHEARING**:

ITEM A: Letter from Lawrence W. Fasano, Jr., attorney for Sima Kushnirsky, appellant requesting rehearing of Appeal No. 98-044, 1234 - 33rd Avenue. Hearing June 3, 1998. Upon motion by President Cullum, the Board voted 1-3 (Vice President McInerney, Commissioners Chin and Schwartz dissented) to overrule the department and deny the permit. Four votes are needed and the motion failed. Then upon motion by Vice President

McInerney, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS**: The permit is upheld as to the first and second floor additions; the plans shall be revised to cut back the third floor to what had been recommended by the Planning Department. The Board adopts as its Section 311 Findings the Planning Department Design Review Checklist and Comments for case 97.780D as attached to the staff analysis and said findings are incorporated by reference.

ACTION: After discussion, upon motion by President Cullum, the Board voted 3-1 (Commissioner Chin dissented) to **DENY** the request for rehearing.

SPEAKERS: Lawrence Fasano, attorney for appellant; Jeremy Paul, agent for permit holder; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Passmore, Zoning Administrator for the Planning Department.

ITEM B: Letter from Sue Hestor, attorney for Niman-Schell Meats, appellant, requesting rehearing of Appeal No. 98-045, 321 Langton Street. Hearing June 10, 1998. Upon motion by Commissioner Schwartz, the Board voted 1-2 (President Cullum and Commissioner Chin dissented, Vice President McInerney absent) to overrule the department and deny the permit. Three votes are needed to overrule a department. The department is **UPHELD** and the permit **GRANTED**.

ACTION: After discussion, upon motion by President Cullum, the Board voted 2- (Vice President McInerney recused) to **CONTINUE** the matter for one wee for advice of counsel on the issue of a quorum, since one member wil be recused and four votes are needed to grant a rehearing.

The Board recessed from 6:23 to 7:07 p.m.

APPEAL NO. 97-139

JOHN SANGER & DENNIS McELRATH, et al., Appellants (4) vs. DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	[Protesting issuance on January [12, 1995, to Charles R. Thomas, [permit to Alter a Building [(construct roof deck, staircase [penthouse and windscreen) at [406-410 Lombard Street. [APPLICATION NO. 9304568S. [SUPERIOR COURT NO. 994-443. [FOR REHEARING ON REMAND TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 4- to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS**, and findings to be adopted **July 8, 1998.**

SPEAKERS: John Sanger, appellant; Richard Harris, attorney for permit holder Charles Thomas, permit holder; Judith Kaye, Nancy Shanahan, Mara Amado Aaron Peskin, Susan Wideman, in support of appellants; and Mark English Wolf Schultz, Earl Dennis, Sean Blesson, Teresa Wallany, Joanne Mason in support of permit holder; and Robert Passmore, Zoning Administrato for the Planning Department.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JULY 1, 1998 (cont'd.)

There being no further business, President Cullum adjourned the meeting at 8:34 p.m.

Robert H Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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8/98

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JULY 8, 1998

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Sue Hestor, attorney for Niman-Schell Meats, appellant, requesting rehearing of Appeal No. 98-045, 321 Langton Street. Hearing June 10, 1998. Upon motion by Commissioner Schwartz, the Board voted 1-2 (President Cullum and Commissioner Chin dissented, Vice President McInerney absent) to overrule the department and deny the permit. Three votes are needed. The department is **UPHELD** and the permit **GRANTED**.

ITEM B: Letter from Jocelyn Gilbert Benatouil, requesting rehearing of Appeal No. 98-077, 788 - 8th Avenue. Hearing June 17, 1998. Upon motion by Vice President McInerney, the Board voted 3-0 to **UPHOLD** the department and **GRANT** the permit.

ADOPTION OF FINDINGS:

ITEM C: Appeal No. 97-139, 406-410 Lombard Street. Hearing July 1, 1998. Upon motion by President Cullum, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS**, and findings to be adopted July 8, 1998.

(4) **CONSENT ITEMS**: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 98-086

(A)
LISA A. DELLA-SATINA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on May 14, 1998, for
[work done at 1250 Clay Street.
[ELECTRICAL PERMIT NO. E180761.
[FOR HEARING TODAY.

APPEAL NO. 98-096

(B)
AUTOMATIC CONTROLS ENGINEERING, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on May 29, 1998, for
[work done at 375 Newhall Street.
[ELECTRICAL PERMIT NO. E181240.
[FOR HEARING TODAY.

APPEAL NO. 98-105

(C)
JAMES L. HIGGS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed June 16, 1998, for
[work done at 270 Juanita Way.
[APPLICATION NO. 9810736.
[FOR HEARING TODAY.

APPEAL NO. 98-106

(D)
FRANCISCO CASTANO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on June 16, 1998, for
[work done at 1164-66 Florida St.
[APPLICATION NO. 9809161.
[FOR HEARING TODAY.

APPEAL NO. 98-112

(E)
LIZA LAU, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on June 18, 1998, for
[work done at 420 Dewey Blvd.
[APPLICATION NO. 9725020.
[FOR HEARING TODAY.

APPEAL NO. 98-114

(F)
NICOLA H. MICHAEL, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on June 22, 1998, for
[work done at 554 Girard Street.
[APPLICATION NO. 9808754.
[FOR HEARING TODAY.

APPEAL NO. 98-118

(G)
WARREN FOSTER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[June 24, 1998, for work
[done at 1539 Shafter Street.
[APPLICATION NO. 9808379.
[FOR HEARING TODAY.

APPEAL NO. 98-049

(5)
PASCAL RIGO, dba "BAY BREADS",
Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator to Tecta Asso-
[ciates, dated March 11, 1998,
[that the proposed bakery at
[2325 Pine Street is not per-
[mitted in the Upper Fillmore
[Neighborhood Commercial Dis-
[trict under Planning Code
[Section 790.102 as a retail
[use; and that it is not an
[accessory use under Section
[703.2(b)(1)(B)(iii) because
[the bakery area is well over
[100 s.f. and Section 790.102
[does not apply.
[FOR REHEARING TODAY.

APPEAL NO. 98-076

(6)
CARL W. YOUNGERT, dba "GIRAFFE
LOUNGE", Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
HEALTH DEPT. DISAPPROVAL

[Denial on April 21, 1998,
[of permit to Alter a Building
[(build a nonstructural wood
[and tempered glass room with
[divider wall 31' long 11" high)
[at 1131 Polk Street.
[APPLICATION NO. 9802282.
[FOR HEARING TODAY.

APPEAL NO. V98-071

(7)
ORESTE TORRANO, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Rear Yard Variance
[granted on April 14, 1998, to
[Oreste Torrano, to reconstruct
[an existing noncomplying detached
[rear garage at the rearmost of
[the subject through lot at 2010
[Filbert Street with condition
[that proposal to construct a
[new story with a workshop and
[office over the reconstructed
[garage be denied.
[VARIANCE CASE NO. 98.075V.
[FOR HEARING TODAY.

APPEAL NO. 98-075

(8)
HANS THOMAS, LISA REHANEK, JENNIFER
& DAVID MILLER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 17,
[1998, to Lourdes Sainez, permit
[to Alter a Building (remove second
[unit on second floor; remove partition walls at first floor;
[provide handrails at stairs;
[provide smoke detectors; remove
[storage room; remove redwood
[decking pad at roof) at 816
[Guerrero Street.
[APPLICATION NO. 9805407.
[FOR HEARING TODAY.

Items (9A), (9B) and (9C) shall be heard together

APPEAL NO. 98-072

(9A)
COALITION FOR JOBS/ARTS/HOUSING,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 8,
[1998, to RAM Development, permit
[to Demolish a Building at 696
[Pennsylvania Street.
[APPLICATION NO. 9721413.
[FOR HEARING TODAY.

APPEAL NO. 98-073

(9B)
COALITION FOR JOBS/ARTS/HOUSING,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 8,
[1998, to RAM Development, permit
[to Demolish a Building at 699
[Mississippi Street.
[APPLICATION NO. 9721414.
[FOR HEARING TODAY.

APPEAL NO. 98-074

(9C)
COALITION FOR JOBS/ARTS/HOUSING,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 8,
[1998, to RAM Development, permit
[to Erect a Building (48 live/work
[units) at 696 Pennsylvania Street.
[APPLICATION NO. 9721406.
[FOR HEARING TODAY.

Date posted: July 1, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Carole Cullum, President, and be received at the Board office, 875 Stevenson Street, Room 440, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and nine copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 554-9510.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, JULY 8, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PUBLIC LIBRARY

PRESENT: Vice President John McInerney, Commissioners Arnold Chin and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Helen Chin, Official Court Reporter.

ABSENT: President Carole Cullum.

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE**:

REQUESTS FOR REHEARING:

ITEM A: Letter from Sue Hestor, attorney for Niman-Schell Meats, appellant, requesting rehearing of Appeal No. 98-045, 321 Langton Street. Hearing June 10, 1998. Upon motion by Commissioner Schwartz, the Board voted 1-2 (President Cullum and Commissioner Chin dissented, Vice President McInerney absent) to overrule the department and deny the permit. Three votes are needed. The department is **UPHELD** and the permit **GRANTED**.

ACTION: **CONTINUED** to **July 15, 1998** at request of parties.

ITEM B: Letter from Jocelyn Gilbert, Benatouil, requesting rehearing of Appeal No 98-077, 788 - 8th Avenue. Hearing June 17, 1998. Upon motion by Vice Presiden McInerney, the Board voted 3-0 to **UPHOLD** the department and **GRANT** the permit.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 3- to **DENY** the request for rehearing.

SPEAKERS: Jocelyn Gilbert, Benatouil, appellant; Brian McEvoy, permit holder; an Jeffrey Goodrich, attorney for court-appointed receiver of property.

The Board recessed from 6:16 to 6:23 p.m.

ADOPTION OF FINDINGS:

ITEM C: Appeal No. 97-139, 406-410 Lombard Street. Hearing July 1, 1998. Upo motion by President Cullum, the Board voted 4-0 to **UPHOLD** the department and **GRA** the permit with **CONDITIONS**, and findings to be adopted July 8, 1998.

ACTION: **CONTINUED** to **July 15, 1998** for adoption.

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Boa proceeded to a vote without testimony to reduce the penalty (investigation fee) two times the regular fee as provided for in the Building Code.

APPEAL NO. 98-086

(A)
LISA A. DELLA-SATINA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on May 14, 1998, for
[work done at 1250 Clay Street.
[ELECTRICAL PERMIT NO. E180761.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 to **OVERRU** the department with the **CONDITION** that the penalty be reduced to t times the regular fee of $225.54 for a total of $451.08.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-096

(B)
AUTOMATIC CONTROLS ENGINEERING, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on May 29, 1998, for
[work done at 375 Newhall Street.
[ELECTRICAL PERMIT NO. E181240.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $236.17 for a total of $472.34.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-105

JAMES L. HIGGS, Appellant
(C) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed June 16, 1998, for
[work done at 270 Juanita Way.
[APPLICATION NO. 9810736.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $134.55 for a total of $269.20.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-106

FRANCISCO CASTANO, Appellant
(D) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on June 16, 1998, for
[work done at 1164-66 Florida St.
[APPLICATION NO. 9809161.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $215.80 for a total of $431.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-112

LIZA LAU, Appellant
(E) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on June 18, 1998, for
[work done at 420 Dewey Blvd.
[APPLICATION NO. 9725020.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $345.80 for a total of $691.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-114

(F)
NICOLA H. MICHAEL, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on June 22, 1998, for
[work done at 554 Girard Street.
[APPLICATION NO. 9808754.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 to **OVERRUL** the department with the **CONDITION** that the penalty be reduced to tw times the regular fee of $215.80 for a total of $431.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-118

(G)
WARREN FOSTER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[June 24, 1998, for work
[done at 1539 Shafter Street.
[APPLICATION NO. 9808379.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 to **OVERRUL** the department with the **CONDITION** that the penalty be reduced to tw times the regular fee of total $248.30 for a total of $496.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-049

(5)
PASCAL RIGO, dba "BAY BREADS",
Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator to Tecta Asso-
[ciates, dated March 11, 1998,
[that the proposed bakery at
[2325 Pine Street is not per-
[mitted in the Upper Fillmore
[Neighborhood Commercial Dis-
[trict under Planning Code
[Section 790.102 as a retail
[use; and that it is not an
[accessory use under Section
[703.2(b)(1)(B)(iii) because
[the bakery area is well over
[100 s.f. and Section 790.102
[does not apply.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board vote 3-0 to **OVERRULE** the Zoning Administrator and allow the bakery to operat with the **CONDITION** that a Notice of Special Restrictions be recorde to insure minimum disruption to the neighborhood with language agree to by the Western Addition Neighborhood Association (WANA).

SPEAKERS: James Robert Dennis, attorney for appellant; Robert Passmore, Zoning Administrator for the Planning Department; and Janice Bolaffi, of WANA in support of the department.

APPEAL NO. 98-076

CARL W. YOUNGERT, dba "GIRAFFE
LOUNGE", Appellant
(6) vs.
DEPT. BUILDING INSPECTION, Respondent
HEALTH DEPT. DISAPPROVAL

[Denial on April 21, 1998,
[of permit to Alter a Building
[(build a nonstructural wood
[and tempered glass room with
[divider wall 31' long 11" high)
[at 1131 Polk Street.
[APPLICATION NO. 9802282.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 3-0 to **UPHOLD** the department and **DENY** the permit.

SPEAKERS: Thomas Rivard, Senior Inspector for the Health Department; Judith Boyajian, Deputy City Attorney; Ken Allison, agent for appellant; and Leonard Chetelat, general contractor for appellant.

APPEAL NO. V98-071

ORESTE TORRANO, Appellant
(7) vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Rear Yard Variance
[granted on April 14, 1998, to
[Oreste Torrano, to reconstruct
[an existing noncomplying detached
[rear garage at the rearmost of
[the subject through lot at 2010
[Filbert Street with condition
[that proposal to construct a
[new story with a workshop and
[office over the reconstructed
[garage be denied.
[VARIANCE CASE NO. 98.075V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 3-0 to **CONTINUE** the matter to **July 29, 1998** to allow the appellant to prepare revised design of a room covering the northerly half of the garage with a toilet and sink only on the ground level.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Oreste Torrano, appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 98-075

HANS THOMAS, LISA REHANEK, JENNIFER
& DAVID MILLER, Appellants
(8) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 17,
[1998, to Lourdes Sainez, permit
[to Alter a Building (remove secon
[unit on second floor; remove par-
[tition walls at first floor;
[provide handrails at stairs;
[provide smoke detectors; remove
[storage room; remove redwood
[decking pad at roof) at 816
[Guerrero Street.
[APPLICATION NO. 9805407.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commission Chin, the Board voted 3- to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Cathy Mosbrucker, attorney for appellant; Brenda Cruz Keith, attorne for permit holder; Laurence Kornfield, Chief Building Inspector for t Department of Building Inspection; Lourdes Sainez, permit holder; Eri Sainez, appellant's daughter; and Judith Boyajian, Deputy City Attorney.

Items (9A), (9B) and (9C) were heard together

APPEAL NO. 98-072

COALITION FOR JOBS/ARTS/HOUSING,
Appellant
(9A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 8,
[1998, to RAM Development, permit
[to Demolish a Building at 696
[Pennsylvania Street.
[APPLICATION NO. 9721413.
[FOR HEARING TODAY.

APPEAL NO. 98-073

COALITION FOR JOBS/ARTS/HOUSING,
Appellant
(9B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 8,
[1998, to RAM Development, permit
[to Demolish a Building at 699
[Mississippi Street.
[APPLICATION NO. 9721414.
[FOR HEARING TODAY.

APPEAL NO. 98-074

COALITION FOR JOBS/ARTS/HOUSING,
Appellant
(9C) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 8,
[1998, to RAM Development, permit
[to Erect a Building (48 live/work
[units) at 696 Pennsylvania Street
[APPLICATION NO. 9721406.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to **July 15, 1998** due to lack of quorum.

There being no further business, President Cullum adjourned the meeting at 7:27 p.m.

Robert H Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

Agenda

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5/98

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JULY 15, 1998

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Sue Hestor, attorney for Niman-Schell Meats, appellant, requesting rehearing of Appeal No. 98-045, 321 Langton Street. Hearing June 10, 1998. Upon motion by Commissioner Schwartz, the Board voted 1-2 (President Cullum and Commissioner Chin dissented, Vice President McInerney absent) to overrule the department and deny the permit. Three votes are needed. The department is **UPHELD** and the permit **GRANTED**.

ADOPTION OF FINDINGS:

ITEM B: Appeal No. 97-139, 406-410 Lombard Street. Hearing July 1, 1998. Upon motion by President Cullum, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS**, and findings to be adopted July 8, 1998.

APPEAL NO. 98-003

	DENNIS & CAROL HAMBY, Appellants	[Denial on December 24, 1997,
(4)	vs.	[of permit to Alter a Building
	DEPT. BUILDING INSPECTION, Respondent	[(extend garage and add new
	PLANNING DEPARTMENT DISAPPROVAL	[door) at 1334 Masonic Avenue.
		[APPLICATION NO. 9704152.
		[FOR HEARING TODAY.

APPEAL NO. 98-078

	WENDY & RICHARD BINGHAM, Appellants	[Protesting issuance on April 22,
(5)	vs.	[1998, to Christopher Hougie,
	DEPT. BUILDING INSPECTION, Respondent	[permit to Alter a Building
	PLANNING DEPARTMENT APPROVAL	[(remodel master bedroom suite,
		[addition at rear and side kitchen
		[remodel, relocate powder room)
		[at 2360 Broadway Street.
		[APPLICATION NO. 9821279S.
		[FOR HEARING TODAY.

APPEAL NO 98-081

(6)
ALAN TOM, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 24,
[1998, to William L. Dietsch,
[permit to Erect Building (three
[stories with two dwelling units)
[at 727 - 729 Moraga Street.
[APPLICATION NO. 9713735S.
[FOR HEARING TODAY.

APPEAL NO. 98-070

(7)
SUZANNE D. CAUTHEN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated April 7,
[1998 by the Zoning Administrator
[addressed to James Reuben that
[the dalla Torre Restaurant
[at 1349 Montgomery Street may
[keep its kitchen open to patrons
[after 10:30 p.m.; that patrons
[are to leave premises by 11:00
[p.m. give or take one half hour;
[and that no patrons should remain
[after 11:30 p.m., except those
[waiting for cabs; and related
[matters under Section 186(b)(3)
[of the Planning Code.
[FOR HEARING TODAY.

Items (8A), (8B) and (8C) shall be heard together

APPEAL NO. 98-072

(8A)
COALITION FOR JOBS/ARTS/HOUSING,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 8,
[1998, to RAM Development, permit
[to Demolish a Building at 696
[Pennsylvania Street.
[APPLICATION NO. 9721413.
[FOR HEARING TODAY.

APPEAL NO. 98-073

(8B)
COALITION FOR JOBS/ARTS/HOUSING,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 8,
[1998, to RAM Development, permit
[to Demolish a Building at 699
[Mississippi Street.
[APPLICATION NO. 9721414.
[FOR HEARING TODAY.

APPEAL NO. 98-074

(8C)
COALITION FOR JOBS/ARTS/HOUSING,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 8,
[1998, to RAM Development, permit
[to Erect a Building (48 live/work
[units) at 696 Pennsylvania Street.
[APPLICATION NO. 9721406.
[FOR HEARING TODAY.

Date posted: July 9, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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Dept. 41

MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, JULY 15, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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5/98
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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Helen Chin, Official Court Reporter.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

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SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Sue Hestor, attorney for Niman-Schell Meats, appellant, requesting rehearing of Appeal No. 98-045, 321 Langton Street. Hearing June 10, 1998. Upon motion by Commissioner Schwartz, the Board voted 1-2 (President Cullum and Commissioner Chin dissented, Vice President McInerney absent) to overrule the department and deny the permit. Three votes are needed. The department is **UPHELD** and the permit **GRANTED**.

ACTION: **CONTINUED** until a fifth Commissioner is appointed to the Board.

ADOPTION OF FINDINGS:

ITEM B: Appeal No. 97-139, 406-410 Lombard Street. Hearing July 1, 1998. Upo motion by President Cullum, the Board voted 4-0 to **UPHOLD** the department and **GRAN** the permit with **CONDITIONS**, and findings to be adopted July 8, 1998.

ACTION: After discussion, upon motion by President Cullum, the Board voted 4- to **ADOPT** findings.

SPEAKER: Richard Harris, attorney for permit holder.

APPEAL NO. 98-003

(4)
DENNIS & CAROL HAMBY, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on December 24, 1997,
[of permit to Alter a Building
[(extend garage and add new
[door) at 1334 Masonic Avenue.
[APPLICATION NO. 9704152.
[FOR HEARING TODAY.

ACTION: **CONTINUED** the matter to **September 16, 1998** at request of appellant President Cullum requested that this matter be placed first on the cal endar on September 16, 1998.

APPEAL NO. 98-078

(5)
WENDY & RICHARD BINGHAM, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 22,
[1998, to Christopher Hougie,
[permit to Alter a Building
[(remodel master bedroom suite,
[addition at rear and side kitchen
[remodel, relocate powder room)
[at 2360 Broadway Street.
[APPLICATION NO. 9821279S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 4- to **UHPHOLD** the department and **GRANT** the permit with **CONDITIONS** agre to by the parties.

SPEAKERS: Howard Wexler, attorney for appellant; and Judith Boyajian, Deputy Ci Attorney. Board requested that staff issue Notice of Decision immediate since appellants were not going to request a rehearing.

APPEAL NO 98-081

(6)
ALAN TOM, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 24,
[1998, to William L. Dietsch,
[permit to Erect Building (three
[stories with two dwelling units)
[at 727 - 729 Moraga Street.
[APPLICATION NO. 9713735S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to **UPHOLD** the department with Prop M findings.

SPEAKERS: William Quan, for Alan Tom; Lorraine Lucas, Jim Kindregan, Sandy Risse, Gunter Risse, Herbert Fung, Tajalli Spencer, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; William Dietsch, permit holder; and Patricia Farrell, George Becker, Garrett Graham, in support of permit holder.

APPEAL NO. 98-070

(7)
SUZANNE D. CAUTHEN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated April 7, 1998 by the Zoning Administrator addressed to James Reuben that the dalla Torre Restaurant at 1349 Montgomery Street may keep its kitchen open to patrons after 10:30 p.m.; that patrons are to leave premises by 11:00 p.m. give or take one half hour; and that no patrons should remain after 11:30 p.m., except those waiting for cabs; and related matters under Section 186(b)(3) of the Planning Code.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 4-0 to **UPHOLD** the Zoning Administrator.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Norman Rolfe and Christian Lindgreth, in support of the appellant; James Reuben, attorney for restaurant owner; Patricia Breslin, Madeline Shields, Ramona Albright, Elios Anderlini, in support of the Zoning Administrator; Stephen Williams, attorney for appellant; and Jeffrey Pollack, owner of dalla Torre Restaurant.

The Board recessed from 6:42 to 6:50 p.m.

Items (8A), (8B) and (8C) were heard together

APPEAL NO. 98-072

(8A)
COALITION FOR JOBS/ARTS/HOUSING, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 8, 1998, to RAM Development, permit to Demolish a Building at 696 Pennsylvania Street.
[APPLICATION NO. 9721413.
[FOR HEARING TODAY.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JULY 15, 1998 (cont'd.)

APPEAL NO. 98-073

COALITION FOR JOBS/ARTS/HOUSING,
Appellant
(8B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 8,
[1998, to RAM Development, permit
[to Demolish a Building at 699
[Mississippi Street.
[APPLICATION NO. 9721414.
[FOR HEARING TODAY.

APPEAL NO. 98-074

COALITION FOR JOBS/ARTS/HOUSING,
Appellant
(8C) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 8,
[1998, to RAM Development, permit
[to Erect a Building (48 live/work
[units) at 696 Pennsylvania Street.
[APPLICATION NO. 9721406.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 to **RECUSE** Vic President McInerney. After discussion, upon motion by President Cullum the Board voted 3-0 to **UPHOLD** the department and **GRANT** the permits wit findings and **CONDITIONS**.

SPEAKERS: Sue Hestor, attorney for appellant; Walton Chang, Norman Rolph, Jane Carpinelli, Robert Anderson, in support of appellant; Robert Passmore Zoning Administrator for the Zoning Administrator; James Reuben, attorne for permit holder; Michael Spaer, permit holder; Ben Geffen, Charle Reidinger, Rebecca Ford, Mike Burton, Joe O'Donoghue, Gail Anderson Darrel Reed, Albert Camerino, Eamon Herlihy, Alice Barkley, in suppor of permit holder; and Judith Boyajian, Deputy City Attorney.

Vice President McInerney left the room at 8:12 p.m. The Board recessed from 8:12 to 8:2 p.m. and the hearing on Appeal No. 98-074 began at 8:26 p.m.

There being no further business, President Cullum adjourned the meeting at 9:35 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Cour Reporter, (415) 362-4440.

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29/98

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JULY 29, 1998

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Frank A. D'Alfonzi, attorney for Bilen T. Nguyen, requesting that the Board take jurisdiction over revocation of masseuse permit at the Fuji Oriental Massage, 585 Eddy Street.

Date of decision	June 26, 1998
Last day to appeal	July 13, 1998
Request for jurisdiction	July 20, 1998

REQUESTS FOR REHEARING:

ITEM B: Letter from the 727-729 Moraga Neighbors, appellant requesting rehearing of Appeal No. 98-001, 727-729 Moraga Street. Hearing July 15, 1998. Upon motion by Vice President McInerney, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

ITEM C: Letter on behalf of Suzanne D. Cauthen, appellant, requesting rehearing of Appeal No. 98-070, 1349 Montgomery Street. Hearing July 15, 1998. Upon motion by President Cullum, the Board voted 4-0 to **UPHOLD** the Zoning Administrator.

APPEAL NO. V98-071

(4)
ORESTE TORRANO, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Rear Yard Variance
[granted on April 14, 1998, to
[Oreste Torrano, to reconstruct
[an existing noncomplying detached
[rear garage at the rearmost of
[the subject through lot at 2010
[Filbert Street with condition
[that proposal to construct a
[new story with a workshop and
[office over the reconstructed
[garage be denied.
[VARIANCE CASE NO. 98.075V.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 98-087

THE S.F. TREE COUNCIL AND NORTH-
POINT RESIDENTS & NEIGHBORS, Appellants
(5) vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on May 1,
[1998, to Northpoint Land LLC,
[permit to Remove and Replace
[four trees on the Bay Street
[frontage of 2211 Stockton and
[2310 Powell Streets.
[ORDER NO. 171,009.
[FOR HEARING TODAY.

APPEAL NO. 98-031

CUONG SI PHUNG & SIE KOOK LOW,
Appellants
(6) vs.
DEPT. BUILDING INSPECTION, Respondent

[Determination by the Director
[of Building Inspection dated
[February 11, 1998 addressed
[to the appellants that the
[work performed on the property
[at 719 London Street constituted
[an unlawful demolition under S.F.
[Building Code Section 103.3 and
[that Building Permit Application
[No. 9508509S is therefore revoked.
[FOR HEARING TODAY.

Items (7A) and (7B) shall be heard together

APPEAL NO. 98-057

RATHNEW CORPORATION, Appellant
(7A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1998, of
[permit to Demolish a Building
[at 1725 Lake Street.
[APPLICATION NO. 9721774.
[FOR HEARING TODAY.

APPEAL NO. 98-058

RATHNEW CORPORATION, Appellant
(7B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1998, of
[permit to Erect a Building
[(three-stories, two units)
[at 1723-1725 Lake Street.
[APPLICATION NO. 9721775S.
[FOR HEARING TODAY.

APPEAL NO. 98-082

THOMAS LILE, Appellant
(8) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Suspension on April 27, 1998,
[of permit to Alter a Building
[(reframe sunporch, replace win-
[dows and siding to conform to
[original height and volume of
[1912 without any change in
[exterior appearance) at
[285 Cumberland Street.
[APPLICATION NO. 9723011.
[FOR HEARING TODAY.

APPEAL NO. 98-088

FORREST FAULKNOR ENTERPRISES, Appellant
(9) vs.
ZONING ADMINISTRATOR, Respondent

[Zoning Administrator determination
[addressed to appellant dated April
[6, 1998 that the ground floor
[of the building at 1101 Sutter
[Street cannot be used for the
[sale or rental of automobiles
[under Planning Code Section
[723.61 and that under Section
[186.1 (c)(5) of the Code if the
[present tenant were to vacate,
[auto sales or rentals could be
[relocated from the basement to
[the ground floor with conditional
[use authorization from the Plannin
[Commission.
[FOR HEARING TODAY.

(10) **PROPOSED AMENDMENT TO MUNICIPAL CODE SECTION 16 (VOTES FOR REHEARING):**

Public hearing and consideration of a proposed amendment to Section 16 of Part III of the Municipal Code to conform Section 16 to the language of Charter Section 4.106(d). The amendment would reduce the number of votes required to grant a rehearing at the Board of Appeals from four to three when there is a vacant seat on the Board.

Copies of the proposed amendment are available at the Board's office.

This legislation will be transmitted to the Board of Supervisors for enactment and approval.

Date posted: July 23, 1998

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HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

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Dept. 41

MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JULY 29, 1998

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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-9/98

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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Arnold Chin, and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Patty Wilson, Official Court Reporter.

Patty Wilson, substituting for Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Frank A. D'Alfonzi, attorney for Bilen T. Nguyen, requesting that the Board take jurisdiction over revocation of masseuse permit at the Fuji Oriental Massage, 585 Eddy Street.

Date of decision	June 26, 1998
Last day to appeal	July 13, 1998
Request for jurisdiction	July 20, 1998

ACTION: After discussion, upon motion by Vice President McInerney, the Boar voted 4-0 to **GRANT** jurisdiction. Mr. D'Alfonzi has fifteen days to fil an appeal.

SPEAKERS: Frank D'Alfonzi, attorney for requestor.

REQUESTS FOR REHEARING:

ITEM B: Letter from the 727-729 Moraga Neighbors, appellant requesting rehearin of Appeal No. 98-001, 727-729 Moraga Street. Hearing July 15, 1998. Upon motio by Vice President McInerney, the Board voted 4-0 to **UPHOLD** the department and **GRAN** the permit.

ACTION: After discussion, upon motion by Vice President McInerney, the Boar voted 4-0 to **DENY** the request for rehearing.

SPEAKERS: Don Jorgenson for Moraga Street Neighbors; Robert Passmore, Zoning Admin istrator for the Planning Department; Laurence Kornfield, Chief Buildin Inspector for the Department of Building Inspection; and William Dietsch permit holder.

ITEM C: Letter on behalf of Suzanne D. Cauthen, appellant, requesting rehearir of Appeal No. 98-070, 1349 Montgomery Street. Hearing July 15, 1998. Upon motic by President Cullum, the Board voted 4-0 to **UPHOLD** the Zoning Administrator.

ACTION: **RESCHEDULED** to **August 19, 1998** prior to hearing.

APPEAL NO. V98-071

(4) ORESTE TORRANO, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Rear Yard Variance
[granted on April 14, 1998, to
[Oreste Torrano, to reconstruct
[an existing noncomplying detached
[rear garage at the rearmost of
[the subject through lot at 2010
[Filbert Street with condition
[that proposal to construct a
[new story with a workshop and
[office over the reconstructed
[garage be denied.
[VARIANCE CASE NO. 98.075V.
[FOR FURTHER HEARING TODAY.

Items (7A) and (7B) were heard together

APPEAL NO. 98-057

(7A)
RATHNEW CORPORATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1998, of
[permit to Demolish a Building
[at 1725 Lake Street.
[APPLICATION NO. 9721774.
[FOR HEARING TODAY.

APPEAL NO. 98-058

(7B)
RATHNEW CORPORATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1998, of
[permit to Erect a Building
[(three-stories, two units)
[at 1723-1725 Lake Street.
[APPLICATION NO. 9721775S.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **August 12, 1998** prior to hearing at request of appellant.

APPEAL NO. 98-082

(8)
THOMAS LILE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Suspension on April 27, 1998,
[of permit to Alter a Building
[(reframe sunporch, replace windows
[and siding to conform to
[original height and volume of
[1912 without any change in
[exterior appearance) at
[285 Cumberland Street.
[APPLICATION NO. 9723011.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to **OVERRULE** the department with **CONDITIONS** as stated in the appellant's letter and revised plans.

SPEAKERS: Thomas Lile, appellant; and Elaine Westlake and Shelly Halpin, neighbors.

APPEAL NO. 98-088

(9)
FORREST FAULKNOR ENTERPRISES, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Zoning Administrator determination
[addressed to appellant dated April
[6, 1998 that the ground floor
[of the building at 1101 Sutter
[Street cannot be used for the
[sale or rental of automobiles
[under Planning Code Section
[723.61 and that under Section
[186.1 (c)(5) of the Code if the
[present tenant were to vacate,
[auto sales or rentals could be
[relocated from the basement to
[the ground floor with conditional
[use authorization from the Planning
[Commission.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Boar
voted 4-0 to **CONTINUE** the matter to **August 12, 1998** for more plan re
visions.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; an
Oreste Torrano, appellant.

APPEAL NO. 98-087

THE S.F. TREE COUNCIL AND NORTH-
POINT RESIDENTS & NEIGHBORS, Appellants
(5) vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on May 1,
[1998, to Northpoint Land LLC,
[permit to Remove and Replace
[four trees on the Bay Street
[frontage of 2211 Stockton and
[2310 Powell Streets.
[ORDER NO. 171,009.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Boar
voted 4-0 to **CONTINUE** the matter to **September 16, 1998** to allow appellant
to excavate around biggest reet to check state of roots.

SPEAKERS: Arthur Chang and Caroline Blair, appellants; Ted Kipping, arborist fo
appellants; Joanie Levy, Aaron Peskin, Lawrence Matta; John Rizzo, i
support of appellants; John Fournet for the Department of Public Works
and Robin Ziegler, permit holder.

The Board recessed from 7:00 to 7:10 p.m.

APPEAL NO. 98-031

CUONG SI PHUNG & SIE KOOK LOW,
Appellants
(6) vs.
DEPT. BUILDING INSPECTION, Respondent

[Determination by the Director
[of Building Inspection dated
[February 11, 1998 addressed
[to the appellants that the
[work performed on the property
[at 719 London Street constituted
[an unlawful demolition under S.F.
[Building Code Section 103.3 and
[that Building Permit Application
[No. 9508509S is therefore revoked.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Boar
voted 4-0 to **OVERRULE** the department with findings.

SPEAKERS: Laurence Kornfield, Chief Building Inspector for the Department of Builc
ing Inspection; and Walter Wong, agent for appellant.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to **OVERRULE** the Zoning Administrator with findings.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; David Gellman, attorney for appellant; and James Faulknor, appellant.

(10) PROPOSED AMENDMENT TO MUNICIPAL CODE SECTION 16 (VOTES FOR REHEARING):

Public hearing and consideration of a proposed amendment to Section 16 of Part III of the Municipal Code to conform Section 16 to the language of Charter Section 4.106(d). The amendment would reduce the number of votes required to grant a rehearing at the Board of Appeals from four to three when there is a vacant seat on the Board.

Copies of the proposed amendment are available at the Board's office.

This legislation will be transmitted to the Board of Supervisors for enactment and approval.

ACTION: Board urged that amendment be enacted as soon as possible.

SPEAKERS: None.

There being no further business, President Cullum adjourned the meeting at 7:30 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.

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5/98

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, AUGUST 5, 1998

6:00 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **CONSENT ITEMS**: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 98-101

(A)
BETTY J. WONG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on June 9, 1998, for
[work done at 179 Monticello St.
[APPLICATION NO. 9809377.
[FOR HEARING TODAY.

APPEAL NO. 98-124

(B)
KELVIN CHUEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[July 2, 1998, for work
[done at 776 - 36th Avenue.
[APPLICATION NO. 9803011.
[FOR HEARING TODAY.

APPEAL NO. 98-128

(C)
CESAR ABAUNZA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[July 16, 1998, for work
[done at 591 Lisbon Street.
[APPLICATION NO. 9801637.
[FOR HEARING TODAY.

APPEAL NO. 98-133

(D)
MANUEL ALVAREZ, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on July 21, 1998, for
[work done at 1344-46 Utah Street.
[APPLICATION NO. 9713988.
[FOR HEARING TODAY.

APPEAL NO. 98-100

(4)
725 PROJECT, Appellant
vs.
PLANNING DEPARTMENT, Respondent
PLANNING COMMISSION DISAPPROVAL

[Denial on May 26, 1998, of
[permit to Alter a Building
[add four live/work units to
[top of existing building) at
[723-725 Tehama Street.
[APPLICATION NO. 9801230.
[FOR HEARING TODAY.

APPEAL NO. 98-092

(5)
LOWER POTRERO HILL NEIGHBORHOOD
ASSOCIATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 6,
[1998, to Nibbi Investments,
[permit to Erect a Building
[(10 live/work units) at
[835 Minnesota Street.
[APPLICATION NO. 9703704.
[FOR HEARING TODAY.

APPEAL NO. 98-094

(6)
1550 BAY STREET TENANTS ASSN.,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 11,
[1998, to Trinity Properties,
[permit to Alter a Building
[(remodel ground floor lobbies,
[swimming pool, exterior store
[front system on North Point
[Street, and main entry; new fence
[and courtyard) at 1550 Bay Street.
[APPLICATION NO. 9803397.
[FOR HEARING TODAY.

Items (7A) and (7B) shall be heard together

APPEAL NO. 98-099

(7A)
EDITH CRICHTON, ELIZABETH STEPHENS,
CHRISTINE & CRUZ SANTIAGO, JOSEPH
FIGUERAS, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 26,
[1998, to Gloria C. Guadamuz,
[permit to Demolish a Building
[(two dwelling units) at 312
[Andover Street.
[APPLICATION NO. 9706718.
[FOR HEARING TODAY.

APPEAL NO. 98-102

(7B)
MARIA VERDUZCO-PALAMINO, et al.,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 26,
[1998, to Gloria C. Guadamuz,
[permit to Demolish a Building
[(two dwelling units) at 312
[Andover Street.
[APPLICATION NO. 9706718.
[FOR HEARING TODAY.

APPEAL NO. V98-093

(8)
SOFIA PROPERTIES, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on May 19, 1998, of
[Permitted Obstruction Variance
[(install awning with width of
[more than ten feet along the
[street and a horizontal projec-
[tion of six feet from the face
[of the building) at 141 Colum-
[bus Avenue.
[VARIANCE CASE NO. 98.154V.
[FOR HEARING TODAY.

Date posted: July 30, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Carole Cullum, President, and be received at the Board office, 875 Stevenson Street, Room 440, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and nine copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 554-9510.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, AUGUST 5, 1998
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PRESENT: President Carole Cullum, Vice President John McInerney and Commissioner Arnold Chin.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Helen Chin, Official Court Reporter.

ABSENT: Commissioner Mauri Schwartz.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: Christine Linnenbach requested that the Board investigate the Sutro Tower situation because of her fear for the safety of those living below it.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote on items 3A, 3B and 3D without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will took testimony on item 3C decided the appeal individually.

APPEAL NO. 98-101

(A)
BETTY J. WONG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on June 9, 1998, for
[work done at 179 Monticello St.
[APPLICATION NO. 9809377.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President McInerney, the Board voted 3-0 to **OVERRUL** the department with the **CONDITION** that the penalty be reduced to t times the regular fee of $118.30 for a total of $236.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-124

(B)
KELVIN CHUEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[July 2, 1998, for work
[done at 776 - 36th Avenue.
[APPLICATION NO. 9803011.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President McInerney, the Board voted 3-0 to **OVERRU** the department with the **CONDITION** that the penalty be reduced to t times the regular fee of $199.55 for a total of $399.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-128

(C)
CESAR ABAUNZA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[July 16, 1998, for work
[done at 591 Lisbon Street.
[APPLICATION NO. 9801637.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 3 to **OVERRULE** the department with the **CONDITION** that the penalty be reduc to three times the regular fee of $378.30 for a total of $1,134.90.

SPEAKER: Mrs. Cesar Abanunza, for appellant.

APPEAL NO. 98-133

(D)
MANUEL ALVAREZ, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on July 21, 1998, for
[work done at 1344-46 Utah Street.
[APPLICATION NO. 9713988.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President McInerney, the Board voted 3-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to t times the regular fee of $471.58 for a total of $943.16.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-100

(4)
725 PROJECT, Appellant
vs.
PLANNING DEPARTMENT, Respondent
PLANNING COMMISSION DISAPPROVAL

[Denial on May 26, 1998, of
[permit to Alter a Building
[add four live/work units to
[top of existing building) at
[723-725 Tehama Street.
[APPLICATION NO. 9801230.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 3-0 to **OVERRULE** the department and **GRANT** the permit with findings by the attorney for appellant.

SPEAKERS: Andrew Zacks and Paul Utrecht, attorneys for appellant; Ed Bertling and Gillian Ellenby, appellants; Diane Fafoutis, in support of the Department; Robert Passmore, Zoning Administrator for the Planning Department; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 98-092

(5)
LOWER POTRERO HILL NEIGHBORHOOD
ASSOCIATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 6,
[1998, to Nibbi Investments,
[permit to Erect a Building
[(10 live/work units) at
[835 Minnesota Street.
[APPLICATION NO. 9703704.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **August 19, 1998** prior to hearing.

APPEAL NO. 98-094

(6)
1550 BAY STREET TENANTS ASSN.,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 11,
[1998, to Trinity Properties,
[permit to Alter a Building
[(remodel ground floor lobbies,
[swimming pool, exterior store
[front system on North Point
[Street, and main entry; new fence
[and courtyard) at 1550 Bay Street.
[APPLICATION NO. 9803397.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 3-0 to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS** agreed to by the parties.

SPEAKERS: Ann Doherty, Robert Hendrickson and Peter Kagel, appellants; David Cin
cotta, attorney for permit holder; Nancy Lenvin, David Balahue and Lesli
Taylor, Trinity Properties employees; Rafael Torres-Gil, Senior Buildin
Inspector for the Department of Building Inspection; Judith Boyajian
Deputy City Attorney.

Items (7A) and (7B) were heard together

APPEAL NO. 98-099

(7A)
EDITH CRICHTON, ELIZABETH STEPHENS,
CHRISTINE & CRUZ SANTIAGO, JOSEPH
FIGUERAS, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 26,
[1998, to Gloria C. Guadamuz,
[permit to Demolish a Building
[(two dwelling units) at 312
[Andover Street.
[APPLICATION NO. 9706718.
[FOR HEARING TODAY.

APPEAL NO. 98-102

(7B)
MARIA VERDUZCO-PALAMINO, et al.,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 26,
[1998, to Gloria C. Guadamuz,
[permit to Demolish a Building
[(two dwelling units) at 312
[Andover Street.
[APPLICATION NO. 9706718.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 1
(Vice President McInerney and Commissioner Chin dissented) to overru
the department and deny the permit. Four votes are needed and the moti
fails. The permit is **UPHELD**.

SPEAKERS: Edith Crichton, appellant; Raquel Fox, attorney for Maria Verduzco-Pal
mino, appellant; Ed Sakir, architect for permit holder; Gloria Guadamu
permit holder; Terry Milne, David Born, Paul Essier, Katie Gough, Pa
Stein, in support of appellants; Rene Acosta, in support of permit holde
Robert Passmore, Zoning Administrator for the Planning Department; a
Rafael Torres-Gil, Senior Building Inspector for the Department of Buidi
Inspection.

The Board recessed from 7:07 to 7:15 p.m.

APPEAL NO. V98-093

(8)
SOFIA PROPERTIES, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on May 19, 1998, of
[Permitted Obstruction Variance
[(install awning with width of
[more than ten feet along the
[street and a horizontal projection of six feet from the face
[of the building) at 141 Columbus Avenue.
[VARIANCE CASE NO. 98.154V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 3-0 to **OVERRULE** the department and **GRANT** the permit with findings by John Fordice.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; John Fordice, architect for project; Francis Ford Coppola, property owner; and Dick Clark, in support of the department.

There being no further business, President Cullum adjourned the meeting at 8:59 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.

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Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

/98

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, AUGUST 12, 1998

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

APPEAL NO. 97-172

3)
TERRANCE LEE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December
[12, 1997, to Reyna Lopez, permit
[to Alter a Building (replace
[existing wood fence with eight
[foot cinder block fence on side
[and rear of property) at
[130 - 27th Street.
[APPLICATION NO. 9723036.
[FOR FURTHER HEARING TODAY.

APPEAL NO. V98-071

4)
ORESTE TORRANO, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Rear Yard Variance
[granted on April 14, 1998, to
[Oreste Torrano, to reconstruct
[an existing noncomplying detached
[rear garage at the rearmost of
[the subject through lot at 2010
[Filbert Street with condition
[that proposal to construct a
[new story with a workshop and
[office over the reconstructed
[garage be denied.
[VARIANCE CASE NO. 98.075V.
[FOR FURTHER HEARING TODAY.

ems (5A) and (5B) shall be heard together

APPEAL NO. 98-052

(A)
WILFREDO MENDOZA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 11,
[1998, to Wai-Ming Luk, permit
[to Alter a Building (upgrade
[electrical wiring, replace window,
[install skylight, remodel kitchen,
[insulate walls where accessible)
[at 3641 - 23rd Street.
[APPLICATION NO. 9804149.
[FOR HEARING TODAY.

APPEAL NO. 98-127

(5B)
WILFREDO MENDOZA, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1, 1998, to Wai Ming Luk, permit to Alter a Building (remove interior walls to convert two unit building to single family dwelling) at 3647 - 23rd Street.
[APPLICATION NO. 9810383.
[FOR HEARING TODAY.

Items (6A) and (6B) shall be heard together

APPEAL NO. 98-057

(6A)
RATHNEW CORPORATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1998, of permit to Demolish a Building at 1725 Lake Street.
[APPLICATION NO. 9721774.
[FOR HEARING TODAY.

APPEAL NO. 98-058

(6B)
RATHNEW CORPORATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1998, of permit to Erect a Building (three-stories, two units) at 1723-1725 Lake Street.
[APPLICATION NO. 9721775S.
[FOR HEARING TODAY.

Items (7A), (7B) and (7C) shall be heard together

APPEAL NO. 98-032

(7A)
FRANKLIN S. HOLLEY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February 13, 1998, to Margaret Rogerson, permit to Alter a Building (roo top addition-add an apartment at third floor and garage space at basement) at 3516-18 Sacramen Street.
[APPLICATION NO. 9712688S.
[FOR HEARING TODAY.

APPEAL NO. 98-033

(7B)
JOHN S. AGER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February 13, 1998, to Margaret Rogerson, permit to Alter a Building (roo top addition-add an apartment at third floor and garage space at basement) at 3516-18 Sacrame Street.
[APPLICATION NO. 9712688S.
[FOR HEARING TODAY.

APPEAL NO. 98-034

(7C)
JOHN B. LOWRY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

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[APPLICATION NO. 9712688S.
[FOR HEARING TODAY.

APPEAL NO. 98-111

8) PATRICIA ANGLIM, S. FELIPE CRESPO
& OLINDA ALDRICH, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 3, [1998, to Bing Juan Cao, permit [to Alter a Building (construct [back yard deck) at 19 Paulding [Street.
[APPLICATION NO. 9810115.
[FOR HEARING TODAY.

APPEAL NO. 98-104

9) SHAKER SAHUD, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Zoning Administrator deter-[mination dated June 2, 1998 [that the Conditional Use [Application to allow reloca-[tion of a Nonconforming [liquor store within a retail [grocery story within the [Mission Alcohol Beverage [Special Use Subdistrict at [445 Valencia Street was [received by the Planning [Department in error, and that [the NCU liquor store use at [424 Valencia Street is deemed [abandoned under Planning Code [Section 781.8 (b)(1) and may [not be reestablshed.
[FOR HEARING TODAY.

ate posted: August 6, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

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Pursuant to Government Code Section 65009, if you challenge, in court, the approv of a variance or development permit, you may be limited to raising only those issu you or someone else raised at the public hearing described in this notice, or written correspondence delivered to the Board of Appeals at, or prior to, the publ hearing.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of decision and may be filed only by principals in the appeal. See Article 5, Secti 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 554-9510.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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Dept. 41

MINUTES OF THE REGULAR
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, AUGUST 12, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Carole Cullum, Vice President John McInerney and Commissioner Arnold Chin.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Helen Chin, Official Court Reporter.

ABSENT: Commissioner Mauri Schwartz.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: Christine Linnenbach asked questions about Planning's determination concerning Sutro Tower and the issuance of permits recently.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

APPEAL NO. 97-172

(3)
TERRANCE LEE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December
[12, 1997, to Reyna Lopez, permit
[to Alter a Building (replace
[existing wood fence with eight
[foot cinder block fence on side
[and rear of property) at
[130 - 27th Street.
[APPLICATION NO. 9723036.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 3- to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** tha that the fence be a maximum of 6'5" high, made of split block and cappe on top.

SPEAKERS: Denise Leadbetter, attorney for appellant; and Laurence Kornfield, Chie Building Inspector for the Department of Building Inspection.

APPEAL NO. V98-071

(4)
ORESTE TORRANO, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Rear Yard Variance
[granted on April 14, 1998, to
[Oreste Torrano, to reconstruct
[an existing noncomplying detached
[rear garage at the rearmost of
[the subject through lot at 2010
[Filbert Street with condition
[that proposal to construct a
[new story with a workshop and
[office over the reconstructed
[garage be denied.
[VARIANCE CASE NO. 98.075V.
[FOR FURTHER HEARING TODAY.

ACTION: **RESCHEDULED** to **September 2, 1998** prior to hearing.

Items (5A) and (5B) were heard together

APPEAL NO. 98-052

(5A)
WILFREDO MENDOZA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 11,
[1998, to Wai-Ming Luk, permit
[to Alter a Building (upgrade
[electrical wiring, replace window
[install skylight, remodel kitchen
[insulate walls where accessible)
[at 3641 - 23rd Street.
[APPLICATION NO. 9804149.
[FOR HEARING TODAY.

APPEAL NO. 98-127

WILFREDO MENDOZA, et al., Appellants
(5B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1,
[1998, to Wai Ming Luk, permit
[to Alter a Building (remove
[interior walls to convert two
[unit building to single family
[dwelling) at 3647 - 23rd Street.
[APPLICATION NO. 9810383.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **September 2, 1998** prior to hearing.

Items (6A) and (6B) were heard together

APPEAL NO. 98-057

RATHNEW CORPORATION, Appellant
(6A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1998, of
[permit to Demolish a Building
[at 1725 Lake Street.
[APPLICATION NO. 9721774.
[FOR HEARING TODAY.

APPEAL NO. 98-058

RATHNEW CORPORATION, Appellant
(6B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1998, of
[permit to Erect a Building
[(three-stories, two units)
[at 1723-1725 Lake Street.
[APPLICATION NO. 9721775S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 2-1 (President Cullum dissented) to overrule the denial and grant the permit. Three votes are needed and the motion fails. The permit is **DENIED**.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Alice Barkley, attorney for appellant; Sean Keighran, Mack Burton, Donna Crowder, Jerry Agosta, Gary Gee, Joe Cassidy, Joe O'Donoghue, in support of appellant; Stephen Williams, Yasuko Morimoto, George Woo, Donna Aarons, Phillip Stone, Mike Uyeno, Hiroshi Fukuda, Garner Morimoto, Carl Marshall, Gina Hayes, John Bardis, Jake McGoldrick, Al Gordon, Larry Minnich, Stephanie Orr, Ken Uyeda, Christine Linnenbach, Warren Doo, F. Joseph Butler, in support of the Planning Commission; and Ernie McNabb, appellant.

The Board recessed from 7:39 to 7:53 p.m.

Items (7A), (7B) and (7C) were heard together

APPEAL NO. 98-032

(7A)
FRANKLIN S. HOLLEY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[13, 1998, to Margaret Rogerson,
[permit to Alter a Building (roof
[top addition-add an apartment
[at third floor and garage space
[at basement) at 3516-18 Sacramento
[Street.
[APPLICATION NO. 9712688S.
[FOR HEARING TODAY.

APPEAL NO. 98-033

(7B)
JOHN S. AGER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[13, 1998, to Margaret Rogerson,
[permit to Alter a Building (roof
[top addition-add an apartment
[at third floor and garage space
[at basement) at 3516-18 Sacrament
[Street.
[APPLICATION NO. 9712688S.
[FOR HEARING TODAY.

APPEAL NO. 98-034

(7C)
JOHN B. LOWRY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[13, 1998, to Margaret Rogerson,
[permit to Alter a Building (roof
[top addition-add an apartment
[at third floor and garage space
[at basement) at 3516-18 Sacrament
[Street.
[APPLICATION NO. 9712688S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney with finding the Board voted 2-1 (President Cullum dissented) to overrule the depar ment and deny the permit with findings. Three votes are needed and t motion fails. The permit is **UPHELD**.

SPEAKERS: Howard Wexler, attorney for Franklin Holley and John Lowry, appellant John Ager, appellant; Robert Passmore, Zoning Administrator for the Pla ning Department; Jonas Ionin, Planner for the Planning Department; Carol Gold, Steve Schroeder, Jim Gault, Barbara Baer, Peter Trendell, in suppo of appellant; Martin Eber, attorney for permit holder; Louis Roble architect for permit holder; Simon Brown, John Tan, Carmilla Duran, support of permit holder; Judith Boyajian, Deputy City attorney; a Laurence Kornfield, Chief Building Inspector for the Department of Buil Inspection.

The Board recessed from 9:29 to 9:31 p.m.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, AUGUST 12, 1998 (cont'd.)

APPEAL NO. 98-111

(8)
PATRICIA ANGLIM, S. FELIPE CRESPO
& OLINDA ALDRICH, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 3,
[1998, to Bing Juan Cao, permit
[to Alter a Building (construct
[back yard deck) at 19 Paulding
[Street.
[APPLICATION NO. 9810115.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 3-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITIONS** requiring revised plans as agreed to by the parties.

SPEAKERS: The parties were present but did not speak.

APPEAL NO. 98-104

(9)
SHAKER SAHUD, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Zoning Administrator deter-
[mination dated June 2, 1998
[that the Conditional Use
[Application to allow reloca-
[tion of a Nonconforming
[liquor store within a retail
[grocery story within the
[Mission Alcohol Beverage
[Special Use Subdistrict at
[445 Valencia Street was
[received by the Planning
[Department in error, and that
[the NCU liquor store use at
[424 Valencia Street is deemed
[abandoned under Planning Code
[Section 781.8 (b)(1) and may
[not be reestablshed.
[FOR HEARING TODAY.

ACTION: After dicussion, upon motion by Vice President McInerney and findings by President Cullum, the Board voted 3-0 to **OVERRULE** the Zoning Administrator and allow the appellant to apply for conditional use authorization at the Planning Commission.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; and Arlo Smith, attorney for appellant.

There being no further business, President Cullum adjourned the meeting at 9:45 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.

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Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

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9/98

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, AUGUST 19, 1998

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter on behalf of Suzanne D. Cauthen, appellant, requesting rehearing of Appeal No. 98-070, an appeal of Zoning Administrator determination regarding hours of operation of Non-Conforming Restaurants, 1349 Montgomery Street. Hearing July 15, 1998. Upon motion by President Cullum, the Board voted 4-0 to **UPHOLD** the Zoning Administrator.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM B: Letter from 128 Wood Street HomeOwners Association requesting that the Board take jurisdiction over Building Permit Application No. 9720392 issued to the 2745 Geary Association LLC, to erect a 22-unit, four story residential and commercial building at 2751-2761 Geary Blvd.

Date permit issued	June 22, 1998
Last day to appeal	July 7, 1998
Request for jurisdiction	August 12, 1998

APPEAL NO. 97-154

4)
MARIA DEL CARMEN RAMIREZ, dba
"NUEVO RAMIREZ FLORES", Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Order to cease violation of the
[Planning Code issued November
[3, 1997 by the Zoning Adminis-
[trator ordering that the retail
[open-air flower shop at 3136 -
[23rd Street cease operation
[by November 21, 1997 because it
[is located in a RH-3 zoning
[district which does not permit
[commercial uses.
[FOR HEARING TODAY.

APPEAL NO. 98-092

5)
LOWER POTRERO HILL NEIGHBORHOOD
ASSOCIATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 6,
[1998, to Nibbi Investments,
[permit to Erect a Building
[(10 live/work units) at
[835 Minnesota Street.
[APPLICATION NO. 9703704.
[FOR HEARING TODAY.

APPEAL NO. 98-116

(6)
ALAN L. EVANS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 8,
[1998, to Perry Hoffman, permit
[to Alter a Building (remove and
[replace existing rear stairs and
[fire exit) at 336 Scott Street.
[APPLICATION NO. 9810439.
[FOR HEARING TODAY.

APPEAL NO. 98-107

(7)
TWIN PEAKS IMPROVEMENT ASSN. &
MIDTOWN TERRACE HOMEOWNERS ASSN.,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Zoning Administrator's deter-
[mination dated June 2, 1998
[that digital TV (DTV) broad-
[casting does not constitute a
[new use that would require
[amendment to the 1966 condi-
[tional use permit and that the
[exterior concrete pads and roof-
[top enclosures covered by Build-
[Application No. 9805770 do not
[constitute a significant altera-
[tion to the existing structure
[requiring an amendment to the
[1966 conditional use authori-
[zation.
[FOR HEARING TODAY.

Date posted: August 13, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

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Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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Dept. 41

MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, AUGUST 19, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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9/98

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Alicia Becerril, Arnold Chin, and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Patty Wilson, Official Court Reporter.

Patty Wilson, substituting for Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKER: President Cullum welcomed Commissioner Becerril to the Board.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter on behalf of Suzanne D. Cauthen, appellant, requesting rehearing of Appeal No. 98-070, an appeal of Zoning Administrator determination regarding hours of operation of Non-Conforming Restaurants, 1349 Montgomery Street. Hearing July 15, 1998. Upon motion by President Cullum, the Board voted 4-0 to **UPHOLD** the Zoning Administrator.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-1 (Commissione Chin dissented) to **RECUSE** Vice President McInerney. After discussio upon motion by President Cullum, the Board voted 2-2 (Commissioner Chi and Schwartz dissented) to grant rehearing. Four votes are needed a the motion fails. The request is **DENIED.**

SPEAKERS: Stephen Williams, attorney for appellant; Suzanne Cauthen, appellan and James Reuben, attorney for dalla Torre Restaurant.

Vice President McInerney left the dais at 5:47 and returned at 5:58 p.m. after the it above.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM B: Letter from 128 Wood Street HomeOwners Association requesting that the Boa take jurisdiction over Building Permit Application No. 9720392 issued to the 27 Geary Association LLC, to erect a 22-unit, four story residential and commerci building at 2751-2761 Geary Blvd.

Date permit issued	June 22, 1998
Last day to appeal	July 7, 1998
Request for jurisdiction	August 12, 1998

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to **RECUSE** Vi President McInerney because of conflict of interest. After discussio upon motion by President Cullum, the Board voted 4-0 to **DENY** the reque for jurisdiction because the permit was issued pursuant to condition use authorization.

SPEAKERS: John Ryan, requestor; Bruce Baumann, architect for permit holder; a Robert Passmore, Zoning Administrator for the Planning Department.

Vice President McInerney left the dais at 6:00 p.m. and returned at 6:09 p.m after t item above.

APPEAL NO. 97-154

(4)

MARIA DEL CARMEN RAMIREZ, dba
"NUEVO RAMIREZ FLORES", Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Order to cease violation of the
[Planning Code issued November
[3, 1997 by the Zoning Adminis-
[trator ordering that the retail
[open-air flower shop at 3136 -
[23rd Street cease operation
[by November 21, 1997 because it
[is located in a RH-3 zoning
[district which does not permit
[commercial uses.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 5-0 to **CONTINUE** the matter to **October 28, 1998** to allow the appellant to find a new location for her business.

The Board requested that the court reporter provide a transcript of this item for the appellant to insure she understands what is required.

SPEAKERS: Romy Ibarra-Klein, translator for appellant; Maria Del Carmen Ramirez, appellant; and Robert Passmore, Zoning Administrator for the Planning Department.

APPEAL NO. 98-092

(5)
LOWER POTRERO HILL NEIGHBORHOOD
ASSOCIATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 6,
[1998, to Nibbi Investments,
[permit to Erect a Building
[(10 live/work units) at
[835 Minnesota Street.
[APPLICATION NO. 9703704.
[FOR HEARING TODAY.

ACTION: Upon motion by President Cullum, the Board voted 3-1 (Commissioner Chin dissented) to **RECUSE** Vice President McInerney. After discussion, upon motion by Commissioner Chin, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS**: The height of the roof to reduced to 41 feet; the stair penthouse shall be reduced in height to seven feet and have a sloping roof following the stairs down; at the front of the stairs will be no more than two feet above the roof; curbing will be done as low as possible. The appellant agreed to donate $1,500 per unit to the City's housing fund.

SPEAKERS: Stephen Williams, attorney for appellant; Christopher Ver Planck, Richard Millet; Kevin Mathieu, Lynn Brown, Tony Dominski, Mariuccia Iaconi, Steve Griffith read letter from Timm Crull, Surma Mauro, Joe Boss, Sally Seymour, Dave Siegel, Bill Hannapple, Philip Schwartz, Walton Chang, Anna Budinger read letter from Christopher Irion, Peter McCandless, Janet Carpinelli, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; James Reuben, attorney for permit holder; Anthony Pantaleoni, architect for permit holder; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

Vice President McInerney left the dais at 6:26 p.m. and returned at 8:10 p.m. The Board recessed from 7:44 to 7:52 p.m.

APPEAL NO. 98-116

(6)
ALAN L. EVANS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 8,
[1998, to Perry Hoffman, permit
[to Alter a Building (remove and
[replace existing rear stairs and
[fire exit) at 336 Scott Street.
[APPLICATION NO. 9810439.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Boar voted 5-0 to **UPHOLD** the department and **GRANT** the permit with no **CONDITIONS.**

SPEAKERS: David Gellman, attorney for appellant; Jeremy Paul, consultant for permi holder; Perry Hoffman, permit holder; Robert Passmore, Zoning Administrator for the Planning Department; and Laurence Kornfield, Chief Builc ing Inspector for the Department of Building Inspection.

The Board recessed from 8:30 to 8:43 p.m.

APPEAL NO. 98-107

(7)
TWIN PEAKS IMPROVEMENT ASSN. &
MIDTOWN TERRACE HOMEOWNERS ASSN.,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Zoning Administrator's determination dated June 2, 1998 that digital TV (DTV) broadcasting does not constitute a new use that would require amendment to the 1966 conditional use permit and that the exterior concrete pads and rooftop enclosures covered by Build-Application No. 9805770 do not constitute a significant alteration to the existing structure requiring an amendment to the 1966 conditional use authorization.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Boa voted 5-0 to **UPHOLD** the Zoning Administrator.

SPEAKERS: Stephen Williams, attorney for appellants; Shab lin Chin, in suppo of appellants; Robert McCarthy, attorney for project sponsor; Christi Linnenbach, appellant; Judith Boyajian, Deputy City Attorney; and Ge Zastrow, manager of Sutro Tower.

There being no further business, President Cullum adjourned the meeting at 9:25 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Cou Reporter, (415) 362-4440.

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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

Agenda

WEDNESDAY, SEPTEMBER 2, 1998

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUESTS FOR REHEARING**:

ITEM A: Letter from Raquel Fox, attorney for Maria Verduzco-Palomino, appellant, requesting rehearing of Appeal No. 98-102, 312 Andover Street. Hearing August 5, 1998. Upon motion by President Cullum, the Board voted 1-2 (Vice President McInerney and Commissioner Chin dissented) to overrule the department and deny the permit. Four votes are needed and the motion fails. The permit is **UPHELD**.

ITEM B: Letter from Alice Barkley, attorney for Rathnew Corporation, appellant, requesting rehearing of Appeal Nos. 98-057 and 98-058, 1725 Lake Street. Hearing August 12, 1998. Upon motion by Vice President McInerney, the Board voted 2-1 (President Cullum dissented) to overrule the Planning Commission with findings and grant the permits. Three votes are needed and the motion failed. The denials were **UPHELD**.

ITEM C: Letter from Reyna Lopez, appellant, requesting rehearing of Appeal No. 97-172, 130 - 27th Street. Hearing August 12, 1998. Upon motion by President Cullum, the Board voted 3-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that the fence be a maximum of 6'5" high, made of split block and capped on the top.

(4) **CONSENT ITEMS**: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 98-129

(A)
PAUL HOM, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[July 15, 1998, for work
[done at 579 - 39th Avenue.
[APPLICATION NO. 9806778.
[FOR HEARING TODAY.

APPEAL NO. 98-147

(B)
CHRISTINA MELENDEZ, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[August 11, 1998, for work
[done at 1159 Oak Street.
[APPLICATION NO. 9801139.
[FOR HEARING TODAY.

APPEAL NO. 98-148

(C)
ANNIE BERTHIAUME, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[August 13, 1998, for work
[done at 1514 - 25th Street.
[APPLICATION NO. 9805593.
[FOR HEARING TODAY.

APPEAL NO. V98-071

(5)
ORESTE TORRANO, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Rear Yard Variance
[granted on April 14, 1998, to
[Oreste Torrano, to reconstruct
[an existing noncomplying detachec
[rear garage at the rearmost of
[the subject through lot at 2010
[Filbert Street with condition
[that proposal to construct a
[new story with a workshop and
[office over the reconstructed
[garage be denied.
[VARIANCE CASE NO. 98.075V.
[FOR FURTHER HEARING TODAY.

Items (6A) and (6B) shall be heard together

APPEAL NO. 98-052

(6A)
WILFREDO MENDOZA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 11,
[1998, to Wai-Ming Luk, permit
[to Alter a Building (upgrade
[electrical wiring, replace windo
[install skylight, remodel kitche
[insulate walls where accessible)
[at 3647 - 23rd Street.
[APPLICATION NO. 9804149.
[FOR HEARING TODAY.

APPEAL NO. 98-127

(6B)
WILFREDO MENDOZA, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1,
[1998, to Wai Ming Luk, permit
[to Alter a Building (remove
[interior walls to convert two
[unit building to single family
[dwelling) at 3647 - 23rd Street.
[APPLICATION NO. 9810383.
[FOR HEARING TODAY.

APPEAL NO. 98-125

(7)
SHARON & MARK DOLEV, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 23,
[1998, to Carmen Castro, permit
[to Alter a Building (construct
[exterior second floor deck) at
[2370 Broadway Street.
[APPLICATION NO. 9709611S.
[FOR HEARING TODAY.

APPEAL NO. 98-130

(8)
COMMITTEE TO PRESERVE NORTH
BEACH, Appellant
vs.
DEPT. BUILDING Inspection, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 7,
[1998, to Fuzio, permit to Erect
[a Sign at 1548 Stockton Street.
[APPLICATION NO. 9812765.
[FOR HEARING TODAY.

APPEAL NO. 98-132

(9)
DERRICK M. CHAN, SCOTT McBIRNIE,
& CARL WELLS, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 9,
[1998, to 138 Wood Street Associates, permit to Erect a
[Building (single family dwelling) at 451 Day Street.
[APPLICATION NO. 9711707S.
[FOR HEARING TODAY.

Date posted: August 27, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ALICIA D. BECERRIL	COMMISSIONER
ARNOLD Y.K. CHIN	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

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Dept. 41

MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, SEPTEMBER 2, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Alicia Becerril, Arnold Chin, and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Helen Chin, Official Court Reporter.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

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SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **REQUESTS FOR REHEARING:**

ITEM A: Letter from Raquel Fox, attorney for Maria Verduzco-Palomino, appellant, requesting rehearing of Appeal No. 98-102, 312 Andover Street. Hearing August 5, 1998. Upon motion by President Cullum, the Board voted 1-2 (Vice President McInerney and Commissioner Chin dissented) to overrule the department and deny the permit. Four votes are needed and the motion fails. The permit is **UPHELD**.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 5-0 to **GRANT** rehearing and scheduled it for **September 16, 1998.**

SPEAKERS: Randall Shaw, attorney for appellant; and Gloria Guadamuz, permit holder.

ITEM B: Letter from Alice Barkley, attorney for Rathnew Corporation, appellant, requesting rehearing of Appeal Nos. 98-057 and 98-058, 1725 Lake Street. Hearing August 12, 1998. Upon motion by Vice President McInerney, the Board voted 2-1 (President Cullum dissented) to overrule the Planning Commission with findings and grant the permits. Three votes are needed and the motion failed. The denials were **UPHELD.**

ACTION: After discussion, upon motion by President Cullum, the Board voted 5-0 to **GRANT** rehearing and scheduled it for **October 21, 1998.**

SPEAKERS: Alice Barkley, attorney for permit holder; and Stephen Williams, attorney for neighbors.

ITEM C: Letter from Reyna Lopez, permit holder, requesting rehearing of Appeal No. 97-172, 130 - 27th Street. Hearing August 12, 1998. Upon motion by President Cullum, the Board voted 3-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that the fence be a maximum of 6'5" high, made of split block and capped on the top.

ACTION: After discussion, upon motion by President Cullum, the Board voted 5-0 to **DENY** the request for rehearing.

SPEAKERS: Denise Leadbetter, attorney for appellant. The permit holder did not appear.

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

APPEAL NO. 98-129

(A)
PAUL HOM, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[July 15, 1998, for work
[done at 579 - 39th Avenue.
[APPLICATION NO. 9806778.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $297.05 for a total of $594.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-147

(B)

CHRISTINA MELENDEZ, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[August 11, 1998, for work
[done at 1159 Oak Street.
[APPLICATION NO. 9801139.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $134.55 for a total of $269.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-148

(C)

ANNIE BERTHIAUME, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[August 13, 1998, for work
[done at 1514 - 25th Street.
[APPLICATION NO. 9805593.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $134.55 for a total of $269.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. V98-071

(5)

ORESTE TORRANO, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Rear Yard Variance
[granted on April 14, 1998, to
[Oreste Torrano, to reconstruct
[an existing noncomplying detached
[rear garage at the rearmost of
[the subject through lot at 2010
[Filbert Street with condition
[that proposal to construct a
[new story with a workshop and
[office over the reconstructed
[garage be denied.
[VARIANCE CASE NO. 98.075V.
[FOR FURTHER HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to **RECUSE** Commissioner Becerril because she did not participate in the previous hearing. After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to **OVERRULE** the Zoning Administrator and allow the new story with a workshop and office over the reconstructed garage with findings to be adopted at a later date.

SPEAKER: Kristina Raupah, architect for appellant.

Items (6A) and (6B) were heard together

APPEAL NO. 98-052

(6A)
WILFREDO MENDOZA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 11,
[1998, to Wai-Ming Luk, permit
[to Alter a Building (upgrade
[electrical wiring, replace window,
[install skylight, remodel kitchen,
[insulate walls where accessible)
[at 3647 - 23rd Street.
[APPLICATION NO. 9804149.
[FOR HEARING TODAY.

APPEAL NO. 98-127

(6B)
WILFREDO MENDOZA, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1,
[1998, to Wai Ming Luk, permit
[to Alter a Building (remove
[interior walls to convert two
[unit building to single family
[dwelling) at 3647 - 23rd Street.
[APPLICATION NO. 9810383.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 5-0 to **CONTINUE** the matter to **November 4, 1998** for review of evidence submitted by Laurence Kornfield, Chief Building Inspector.

SPEAKERS: Raquel Fox, attorney for appellants; Alex Weyand and Ranjani Ramakrishna, attorneys for permit holder; Carmen Mendoza and her son, appellants; Laurence Kornfield, Chief Building Inspector for the Department of Building Department; and Robert Passmore, Zoning Administrator for the Planning Department.

The Board recessed from 6:44 to 6:59 p.m.

APPEAL NO. 98-125

(7)
SHARON & MARK DOLEV, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 23,
[1998, to Carmen Castro, permit
[to Alter a Building (construct
[exterior second floor deck) at
[2370 Broadway Street.
[APPLICATION NO. 9709611S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to **RECUSE** Vice President McInerney. After discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permi

SPEAKERS: Mark Dolev, appellant; Joel Yodowitz, attorney for permit holder; Patrick Buscovich, structural engineer for permit holder; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Greg Franceschi, permit holder; and Shelly Dolev, in support of appellants.

APPEAL NO. 98-130

(8)
COMMITTEE TO PRESERVE NORTH
BEACH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 7,
[1998, to Fuzio, permit to Erect
[a Sign at 1548 Stockton Street.
[APPLICATION NO. 9812765.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** by appellant prior to hearing.

The Board recessed from 8:41 to 8:48 p.m.

APPEAL NO. 98-132

(9)
DERRICK M. CHAN, SCOTT McBIRNIE,
& CARL WELLS, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 9,
[1998, to 138 Wood Street Associates, permit to Erect a
[Building (single family dwelling) at 451 Day Street.
[APPLICATION NO. 9711707S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to **RECUSE** Vice McInerney. After discussion, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS** and findings.

SPEAKERS: Scott McBirnie and Derrick Chan, appellants; Anna Grabstein, Richarc Grabstein, Harriette Unger read a letter from Bill Derrough, Judy Mozesson, Lawrence Goldyn, Jane Phillips, in support of appellants; anc Kevin O'Keefe, in support of permit holder.

There being no further business, President Cullum adjourned the meeting at 9:06 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 9, 1998

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

9/98

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(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION:

ITEM A: Letter from Scott Chandler, requesting that the Board take jurisdiction over Building Permit Application No. 9714747S issued to Bruce Colton for alterations at 1769 Noe Street (new rear horizontal addition with rear deck; new off-street parking space in front yard with new driveway and curb cut).

Date issued	August 3, 1998
Last day to appeal	August 18, 1998
Request for jurisdiction	August 19, 1998

REQUESTS FOR REHEARING:

ITEM B: Letter from Sue Hestor, attorney for Niman-Schell Meats, appellant, requesting rehearing of Appeal No. 98-045, 321 Langton Street. Hearing June 10, 1998. Upon motion by Commissioner Schwartz, the Board voted 1-2 (President Cullum and Commissioner Chin dissented, Vice President McInerney absent) to overrule the department and deny the permit. Three votes are needed. The department is **UPHELD** and the permit **GRANTED**.

ITEM C: Letter from John Ager, appellant, requesting rehearing of Appeal No. 98-033, 3516-3518 Sacramento Street. Upon motion by Vice President McInerney with findings, the Board voted 2-1 (President Cullum dissented) to overrule the department and deny the permit with findings. Three votes are needed and the motion failed. The permit was **UPHELD**.

ITEM D: Letter from Howard Wexler, attorney for Franklin Holley and John Lowry, appellants, requesting rehearing of Appeal Nos. 98-032 and 98-034, 3516-3518 Sacramento Street. Upon motion by Vice President McInerney with findings, the Board voted 2-1 (President Cullum dissented) to overrule the department and deny the permit with findings. Three votes are needed and the motion failed. The permit was **UPHELD**.

APPEAL NO. 98-121

(4)
SANDRA RUSSELL, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 19,
[1998, to Raymond Spruance, permit
[to Erect a Building (two-story
[single-family dwelling) at
[376 Highland Avenue.
[APPLICATION NO. 9720200S.
[FOR HEARING TODAY.

APPEAL NO. 98-035

VICTOR TWAL dba "BUDDIES",
Appellant
(5) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on February 13, 1998,
[of permit to Alter a Building
[(legalize 3' x 4' x 12'6"
[awning and sign installed with-
[out permit) at 498 Sanchez Stree
[APPLICATION NO. 9723854.
[FOR HEARING TODAY.

Items (6A) and (6B) shall be heard together

APPEAL NO. 98-122

CHRISTINE PIELENZ, Appellant
(6A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 22,
[1998, to Jimmy Chow, permit to
[Demolish a Building at 1903-23rd
[Street.
[APPLICATION NO. 9725014.
[FOR HEARING TODAY.

APPEAL NO. 98-123

CHRISTINE PIELENZ, Appellant
(6B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 22,
[1998, to Jimmy Chow, permit to
[Erect a Building (three dwellin
[units on three levels) at
[1903 - 23rd Street.
[APPLICATION NO. 9725015.
[FOR HEARING TODAY.

APPEAL NO. 98-134

EVA MAE THOMAS, Appellant
(7) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 13,
[1998, to Bonnie Spindler, permi
[to Alter a Building (remove two
[illegal units) at 348-350 Scott
[Street.
[APPLICATION NO. 9810814.
[FOR HEARING TODAY.

APPEAL NO. 98-139

CHRISTOPHER SABRE & JEAN LOURA,
Appellants
(8) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 15,
[1998, to William Martorana,
[permit to Alter a Building
[(vertical addition and remodel
[basement to living space;
[interior remodeling existing
[two floors; new stairs and
[deck at rear of building) at
[545 - 547 Wisconsin Street.
[APPLICATION NO. 9710989S.
[FOR HEARING TODAY.

APPEAL NO. 98-140

TOM WHELAN & JEANINE YEOMANS, Appellants
(9) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 16,
[1998, to Jean Steyaert and Pete
[Andresen, permit to Alter a Bui
[ing (combine units 7 & 8; inter
[remodelling; replace structural
[wall with steel frame; relocate
[existing shearwall) at
[303 Greenwich Street.
[APPLICATION NO. 9809529.
[FOR HEARING TODAY.

APPEAL NO. W98-113

(10)
SAN FRANCISCANS FOR REASONABLE
GROWTH, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Off-Street Parking Waiver
[(convert existing structure from
[40,000 s.f. of manufacturing use
[to 24,999 s.f. of office use and
[15,001 s.f. of business service/
[multimedia use pursuant to Plan-
[ning Code Section 803.5(c) without
[providing any new off-street park-
[ing) granted on June 9, 1998 for
[property at 180 Townsend Street.
[CASE NO. 97.832V.
[FOR HEARING TODAY.

APPEAL NO. 98-117

(11)
EDWARD R. NUNES, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Health Permit Referral determina-
[tion by the Zoning Administrator
[dated June 10, 1998 that the Non-
[Conforming Commercial Food Ware-
[house/Wholesale Sales use proposed
[for 1780 Oakdale, zoned RH-1,
[will terminate at the current
[five-year lease expiration on
[April 30, 2003.
[FOR HEARING TODAY.

(12A) PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION.

(12B) CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(b).

PUBLIC EMPLOYEE EVALUATION: Robert Feldman, Executive Secretary

(12C) RECONVENE IN OPEN SESSION TO VOTE WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HELD IN CLOSED SESSION (San Francisco Administrative Code Section 67.10(b).

Date posted: September 3, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ALICIA D. BECERRIL	COMMISSIONER
ARNOLD Y.K. CHIN	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak firs and shall be allowed seven minutes for their presentation and three minutes fo rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowe seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowe seven minutes to present oral argument and three minutes for rebuttal, and th permit holder shall be allowed seven minutes to present oral argument and thre minutes for rebuttal. The Board may request a departmental response at its ow discretion.

Other persons desiring to speak before the Board on an appeal may speak once fo up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least fiv days prior to the date of hearing. In the event that a matter is continued t a specific date by the presiding officer and announced to the parties in the hearin room, no additional mailed notice will be sent. Please call the Board office a 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbe for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearin before the Board, should be addressed to Carole Cullum, President, and be receive at the Board office, 875 Stevenson Street, Room 440, no later than 4:00 p.m. th Thursday (six days) prior to the scheduled public hearing. Persons unable to atte the scheduled public hearing may submit written comments regarding a calendare item to the Board office. Comments received before noon on the day of the hearin will be made a part of the official record and will be brought to the attentio of the Board at the public hearing. For complete distribution to all Commissione of the Board, necessary staff and case files, submit an original and nine copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approva of a variance or development permit, you may be limited to raising only those issue you or someone else raised at the public hearing described in this notice, or written correspondence delivered to the Board of Appeals at, or prior to, the publ hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior hearing, or are taken out of order to accommodate special needs. The Board urg all parties to be present in the hearing room from 5:30 p.m. so that everyone h an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of decision and may be filed only by principals in the appeal. See Article 5, Secti 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 554-9510.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, SEPTEMBER 9, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

/98

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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Alicia Becerril, Arnold Chin, and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Helen Chin, Official Court Reporter.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION:

ITEM A: Letter from Scott Chandler, requesting that the Board take jurisdiction over Building Permit Application No. 9714747S issued to Bruce Colton for alterations at 1769 Noe Street (new rear horizontal addition with rear deck; new off-street parking space in front yard with new driveway and curb cut).

Date issued	August 3, 1998
Last day to appeal	August 18, 1998
Request for jurisdiction	August 19, 1998

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board vote 4-1 (Vice President McInerney dissented) to **GRANT** jurisdiction and scheduled the matter for **November 4, 1998.**

SPEAKERS: Scott Chandler, requestor; and Bruce Colton, permit holder.

REQUESTS FOR REHEARING:

ITEM B: Letter from Sue Hestor, attorney for Niman-Schell Meats, appellant, requesting rehearing of Appeal No. 98-045, 321 Langton Street. Hearing June 10, 1998 Upon motion by Commissioner Schwartz, the Board voted 1-2 (President Cullum and Commissioner Chin dissented, Vice President McInerney absent) to overrule the departmen and deny the permit. Three votes are needed. The department is **UPHELD** and the permi **GRANTED**.

ACTION: After discussion, upon motion by President Cullum, the Board voted 2- (Commissioners Becerril and Chin dissented, Vice President McInerne absent) to grant rehearing. Four votes are needed and the motion fails The request is **DENIED**.

SPEAKERS: Sue Hestor, attorney for appellant; Alice Barkley, attorney for permi holder; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

Vice **President McInerney arrived at 6:15 p.m.**

ITEM C: Letter from John Ager, appellant, requesting rehearing of Appeal No. 98-03 3516-3518 Sacramento Street. Upon motion by Vice President McInerney with findings the Board voted 2-1 (President Cullum dissented) to overrule the department and de the permit with findings. Three votes are needed and the motion failed. The perm was **UPHELD**.

ACTION: After discussion, upon motion by Vice President McInerney, the Boa voted 4-1 (Commissioner Chin dissented) to **GRANT** rehearing and schedul the matter for **November 18, 1998.**

SPEAKERS: John Ager, appellant; and Marty Eber, attorney for permit holder.

ITEM D: Letter from Howard Wexler, attorney for Franklin Holley and John Lowr appellants, requesting rehearing of Appeal Nos. 98-032 and 98-034, 3516-3518 Sacr mento Street. Upon motion by Vice President McInerney with findings, the Board vot 2-1 (President Cullum dissented) to overrule the department and deny the permit wi findings. Three votes are needed and the motion failed. The permit was **UPHELD**.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-1 (Commissioner Chin dissented) to **GRANT** rehearing and scheduled it for **November 18, 1998.**

SPEAKERS: Howard Wexler, attorney for appellants; and Marty Eber, attorney for permit holder.

APPEAL NO. 98-121

(4) SANDRA RUSSELL, Appellant vs. DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	[Protesting issuance on June 19, [1998, to Raymond Spruance, permit [to Erect a Building (two-story [single-family dwelling) at [376 Highland Avenue. [APPLICATION NO. 9720200S. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS** as stated in stipulated agreement submitted by the parties dated August 28, 1998.

SPEAKERS: Parties were present and did not testify.

APPEAL NO. 98-035

(5) VICTOR TWAL dba "BUDDIES", Appellant vs. DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	[Denial on February 13, 1998, [of permit to Alter a Building [(legalize 3' x 4' x 12'6" [awning and sign installed without permit) at 498 Sanchez Street. [APPLICATION NO. 9723854. [FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **December 9, 1998** prior to hearing.

Items (6A) and (6B) were heard together

APPEAL NO. 98-122

(6A) CHRISTINE PIELENZ, Appellant vs. DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	[Protesting issuance on June 22, [1998, to Jimmy Chow, permit to [Demolish a Building at 1903-23rd [Street. [APPLICATION NO. 9725014. [FOR HEARING TODAY.

APPEAL NO. 98-123

CHRISTINE PIELENZ, Appellant
(6B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 22,
[1998, to Jimmy Chow, permit to
[Erect a Building (three dwelling
[units on three levels) at
[1903 - 23rd Street.
[APPLICATION NO. 9725015.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 5- to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS**: Garag door to be set back ten feet; building to be reduced in length thre feet; windows to be of obscure glass on right side elevation.

SPEAKERS: Christine Pielenz, appellant; William Laven, Kelly Shoonmaker, Beth Kohr Robbin Frey, Pat Yorck, Daniel Bernstein, James Yorck, Ted Puslinks Dominick Piscionere, in support of appellant; Charles Stuhr, attorne for permit holder; Delvin Washington, Planner for the Planning Department Renan Dominguez, engineer for permit holder; Laurence Kornfield, Chie Building Inspector for the Department of Building Inspection; and Jennife Chow, permit holder.

The Board recessed from 7:44 to 7:55 p.m.

APPEAL NO. 98-134

EVA MAE THOMAS, Appellant
(7) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 13,
[1998, to Bonnie Spindler, permit
[to Alter a Building (remove two
[illegal units) at 348-350 Scott
[Street.
[APPLICATION NO. 9810814.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Boa voted 2-3 (President Cullum, Commissioners Chin and Schwartz dissente to uphold the department and grant the permit with a 60 day stay. Fo votes are needed and the motion failed. Then upon motion by Preside Cullum, the Board voted 4-1 (Vice President McInerney dissented) to **CO TINUE** the matter to **December 9, 1998.**

SPEAKERS: Anatasia Yovanopoulos, agent for appellant; Eva Thomas, appellant; Andr Wiegel, attorney for permit holder; Bonnie Spindler, permit holder; a Laurence Kornfield, Chief Building Inspector for the Department of Buil ing Inspection.

APPEAL NO. 98-139

CHRISTOPHER SABRE & JEAN LOURA, Appellants
(8) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 15,
[1998, to William Martorana,
[permit to Alter a Building
[(vertical addition and remodel
[basement to living space;
[interior remodeling existing
[two floors; new stairs and
[deck at rear of building) at
[545 - 547 Wisconsin Street.
[APPLICATION NO. 9710989S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to **RESCUSE** Commissioner Schwartz, who left the room at 8:53 p.m. After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS:** The roof of the second bath shall be no higher than the sill of the appellant's window, and the front fence shall be no more than three feet in height.

SPEAKERS: Joe Butler, architect for appellants; Delvin Washington, Planner for the Planning Department; William Martorana, permit holder; Ronald Wallace, architect for permit holder.

Commissioner Schwartz left the dais at 8:43 and returned at 9:26 p.m. The Board recessed from 9:20 to 9:26 p.m.

APPEAL NO. 98-140

TOM WHELAN & JEANINE YEOMANS, Appellants
(9) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 16,
[1998, to Jean Steyaert and Peter
[Andresen, permit to Alter a Building (combine units 7 & 8; interior
[remodelling; replace structural
[wall with steel frame; relocate
[existing shearwall) at
[303 Greenwich Street.
[APPLICATION NO. 9809529.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 4-0 to **RECUSE** Commissioner Chin. After discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Tom Whelan, appellant; Peter Andresen and Jean Steyaert permit holders; and Andrew Blyholder, architect for pemrit holder.

Commissioner Chin left the dais at 9:29 and returned at 9:50 p.m.

APPEAL NO. W98-113

(10) SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Off-Street Parking Waive
[(convert existing structure from
[40,000 s.f. of manufacturing use
[to 24,999 s.f. of office use and
[15,001 s.f. of business service/
[multimedia use pursuant to Plan-
[ning Code Section 803.5(c) without
[providing any new off-street park-
[ing) granted on June 9, 1998 for
[property at 180 Townsend Street.
[CASE NO. 97.832V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Boa voted 5-0 to **UPHOLD** the department and **GRANT** the waiver.

SPEAKERS: Michael Kometani, Planner for the Planning Department; Sue Hestor, a torney for appellant; and Warner Schmalz, architect for project sponsor.

APPEAL NO. 98-117

(11) EDWARD R. NUNES, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Health Permit Referral determina-
[tion by the Zoning Administrator
[dated June 10, 1998 that the Non-
[Conforming Commercial Food Ware-
[house/Wholesale Sales use propose
[for 1780 Oakdale, zoned RH-1,
[will terminate at the current
[five-year lease expiration on
[April 30, 2003.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 5 to **CONTINUE** the matter to **CALL OF THE CHAIR**.

SPEAKERS: Judy Martin, Planner for the Planning Department; and William Aben agent for appellant.

(12A) **PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION.**

ACTION: **RESCHEDULED** to **September 16, 1998.**

(12B) **CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SAN FRANCISCO ADMINI TRATIVE CODE SECTION 67.10(b).**

PUBLIC EMPLOYEE EVALUATION: Robert Feldman, Executive Secretary

ACTION: **RESCHEDULED** to **September 16, 1998.**

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, SEPTEMBER 9, 1998 (cont'd.)

(12C) **RECONVENE IN OPEN SESSION TO VOTE WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HELD IN CLOSED SESSION (San Francisco Administrative Code Section 67.10(b).**

ACTION: **RESCHEDULED** to **September 16, 1998.**

There being no further business, President Cullum adjourned the meeting at 10:37 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.

Government Information Center
S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

Agenda

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 16, 1998

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR REHEARING**: Letter from Robert Passmore, Zoning Administrator for the Planning Department, requesting rehearing of Appeal No. 98-100, 723-725 Tehama Street. Hearing August 5, 1998. Upon motion by Vice President McInerney, the Board voted 3-0 to **OVERRULE** the department and **GRANT** the permit with findings by the attorney for appellant.

APPEAL NO. 98-003

(4)
DENNIS & CAROL HAMBY, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on December 24, 1997,
[of permit to Alter a Building
[(extend garage and add new
[door) at 1334 Masonic Avenue.
[APPLICATION NO. 9704152.
[FOR HEARING TODAY.

APPEAL NO. 98-087

(5)
THE S.F. TREE COUNCIL AND NORTH-POINT RESIDENTS & NEIGHBORS, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on May 1,
[1998, to Northpoint Land LLC,
[permit to Remove and Replace
[four trees on the Bay Street
[frontage of 2211 Stockton and
[2310 Powell Streets.
[ORDER NO. 171,009.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 98-102

(6)
MARIA VERDUZCO-PALAMINO, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 26,
[1998, to Gloria C. Guadamuz,
[permit to Demolish a Building
[(two dwelling units) at 312
[Andover Street.
[APPLICATION NO. 9706718.
[FOR REHEARING TODAY.

APPEAL NO. 98-126

(7)
ARNOLD LAUB, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on June 26,
[1998, to Eugene Ellis, permit
[to Alter a Building (replace
[wall, open doors, add fire-
[place and replace window)
[at 1964 Pacific Avenue #4.
[APPLICATION NO. 9811994.
[FOR HEARING TODAY.

APPEAL NO. 98-143

(8)	LORETTA EMERZIAN, Appellant vs. DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	[Protesting issuance on July 22, [1998, to Larry Cook, permit to [Alter a Building (add deck off [kitchen at rear of building) [at 3059 Washington Street. [APPLICATION NO. 9813967. [FOR HEARING TODAY.

APPEAL NO. 98-154

(9)	ROBERT COULY, Appellant vs. ZONING ADMINISTRATOR, Respondent	[Determination by the Zoning Ad- [ministrator dated August 7, 1998 [that the tenant/operator/bar [licensee of 853 Valencia Street [abandoned her beer and wine license [the day she was evicted June 17, [1998 and that under Planning Code [Section 781.8(b)(1) this non- [conforming use is deemed abandoned [and may not be reestablished on [the site which is in the Mission [Alcoholic Beverage Special Use [Subdistrict which places a [moratorium on new alcoholic [beverage establishments. [FOR HEARING TODAY.

(10) **CLOSED SESSION:**

(10A) **PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION.**

(10B) **CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.10(b).**

PUBLIC EMPLOYEE EVALUATION: Robert Feldman, Executive Secretary

(10C) **RECONVENE IN OPEN SESSION TO VOTE WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HELD IN CLOSED SESSION (San Francisco Administrative Code Section 67.10(b).**

Date posted: September 10, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ALICIA D. BECERRIL	COMMISSIONER
ARNOLD Y.K. CHIN	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

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Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Carole Cullum, President, and be received at the Board office, 875 Stevenson Street, Room 440, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and nine copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 554-9510.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 16, 1998

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Alicia Becerril, Arnold Chin, and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Helen Chin, Official Court Reporter.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Sue Hestor spoke in support of the request for rehearing for Appeal No. 98-100, item 3 below and read from the transcript of the Planning Commission hearing on the same permit.

Jeremy Paul spoke on the three appeals on 560 Haight Street scheduled for October 14, 1998.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKER: Commissioner Chin announced that he would be able to stay for only the first item because of a commitment at the Chinese Consulate.

(3) **REQUEST FOR REHEARING:** Letter from Robert Passmore, Zoning Administrator for the Planning Department, requesting rehearing of Appeal No. 98-100, 723-725 Tehama Street.

Hearing August 5, 1998. Upon motion by Vice President McInerney, the Board voted 3-0 to **OVERRULE** the department and **GRANT** the permit with findings by the attorney for appellant.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 3-2 (Vice President McInerney and Commissioner Chin dissented) to grant rehearing. Four votes are needed and the motion fails. The request is **DENIED**.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; anc Andrew Zacks, attorney for appellant.

Commissioner Chin left the meeting at 5:53 p.m.

APPEAL NO. 98-003

(4)
DENNIS & CAROL HAMBY, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on December 24, 1997,
[of permit to Alter a Building
[(extend garage and add new
[door) at 1334 Masonic Avenue.
[APPLICATION NO. 9704152.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Boar voted 4-0 to **OVERRULE** the department and **GRANT** the permit with **CONDITIONS** 1. The garage door is approved as is. 2. The curb cut is to be reduce by one full downhill sidewalk square (three feet) on the north side 3. The driveway portion that would be east of the property line, shal have a planter restored in a form consistent with the other planter on the block, allowing for an eleven foot wide driveway, measured fro the existing retaining wall on the south side, to the north eleven feet.

SPEAKERS: Sean Ellis, attorney for appellants; Jeff Litke, Arthur McKay, in suppor of appellants; Robert Passmore, Zoning Administrator for the Plannin Department; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Richard Feliciano, Richard Harris, Harr Kwong; Deada Mally, Carl Zlatchin, Bernard Foston, in support of th department; and Dennis and Carol Hamby, appellants.

The Board recessed from 7:15 to 7:23 p.m.

APPEAL NO. 98-087

(5)
THE S.F. TREE COUNCIL AND NORTH-
POINT RESIDENTS & NEIGHBORS, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on May 1,
[1998, to Northpoint Land LLC,
[permit to Remove and Replace
[four trees on the Bay Street
[frontage of 2211 Stockton and
[2310 Powell Streets.
[ORDER NO. 171,009.
[FOR FURTHER HEARING TODAY.

ACTION: **RESCHEDULED** to **November 4, 1998** prior to hearing.

APPEAL NO. 98-102

(6)
MARIA VERDUZCO-PALAMINO, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 26,
[1998, to Gloria C. Guadamuz,
[permit to Demolish a Building
[(two dwelling units) at 312
[Andover Street.
[APPLICATION NO. 9706718.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Becerril, the Board voted 4-0 to **OVERRULE** the department and **REVOKE** the permit with findings.

SPEAKERS: Randall M. Shaw, attorney for appellants; Doug Schuemaker, Christine Santiago, Matt Brown, Terry Milne, Edith McMillan, in support of appellants; Robert Passmore, Zoning Administrator for the Planning Department; Gloria Allen, permit holder; Austin Harkin, architect for permit holder; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 98-126

(7)
ARNOLD LAUB, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on June 26,
[1998, to Eugene Ellis, permit
[to Alter a Building (replace
[wall, open doors, add fire-
[place and replace window)
[at 1964 Pacific Avenue #4.
[APPLICATION NO. 9811994.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **October 14, 1998** prior to hearing.

APPEAL NO. 98-143

(8)
LORETTA EMERZIAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 22,
[1998, to Larry Cook, permit to
[Alter a Building (add deck off
[kitchen at rear of building)
[at 3059 Washington Street.
[APPLICATION NO. 9813967.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 1-3 (President Cullum, Commissioners Becerril and Schwartz dissented) to uphold the department and grant the permit with the proposed plans dated September 1, 1998. Four votes are needed and the motion fails. The permit is **UPHELD** with no conditions.

SPEAKERS: Loretta Emerzian, appellant; W. Davis Larsen, architect for permit holder and Larry Cook, permit holder.

APPEAL NO. 98-154

(9) ROBERT COULY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Ad-
[ministrator dated August 7, 1998
[that the tenant/operator/bar
[licensee of 853 Valencia Street
[abandoned her beer and wine licens
[the day she was evicted June 17,
[1998 and that under Planning Code
[Section 781.8(b)(1) this non-
[conforming use is deemed abandoned
[and may not be reestablished on
[the site which is in the Mission
[Alcoholic Beverage Special Use
[Subdistrict which places a
[moratorium on new alcoholic
[beverage establishments.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Boa voted 4-0 to **OVERRULE** the Zoning Administrator with **CONDITIONS:** T Planning Department staff shall attach Good Neighbor Policy conditio to any permit or ABC license reviewed for new operators.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Suzan Brown, in support of the Zoning Administrator; Robert Couly, appella and Shaw-na Lee, in support of the appellant.

(10) **CLOSED SESSION:**

(10A) **PUBLIC COMMENT ON ALL MATTERS PERTAINING TO THE CLOSED SESSION.**

(10B) **CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 AND SAN FRANCISCO ADMINI TRATIVE CODE SECTION 67.10(b).**

PUBLIC EMPLOYEE EVALUATION: Robert Feldman, Executive Secretary

(10C) **RECONVENE IN OPEN SESSION TO VOTE WHETHER TO DISCLOSE ANY OR ALL DISCUSSIONS HE IN CLOSED SESSION (San Francisco Administrative Code Section 67.10(b).**

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, SEPTEMBER 16, 1998 (cont'd.)

There being no further business, President Cullum adjourned the meeting at 9:15 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.

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/14/98

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, OCTOBER 14, 1998

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

ADOPTION OF FINDINGS ORDERED BY SUPERIOR COURT:

ITEM A: Appeal No. 97-092, denial of taxicab stock transfer request from Yellow Cab Cooperative, Inc. by the Police Commission dated May 29, 1997 (Resolution No. 73-97. Hearing April 1, 1998. Upon motion by Commissioner Schwartz, the Board voted 2-3 (President Cullum, Commissioners Salgado and Chin dissented) to overrule the Police Commission. The motion failed and the Police Commission was **UPHELD**.

REQUESTS FOR REHEARING:

ITEM B: Letter from Sharon and Mark Dolev, appellants, requesting rehearing of Appeal No. 98-125, 2370 Broadway Street. Hearing September 2, 1998. Upon motion by Commissioner Chin, the Board voted 4-0 to **RECUSE** Vice President McInerney. After discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

ITEM C: Letter from Tom Whelan and Jeannine Yeomans, appellants, requesting rehearing of Appeal No. 98-140, 303 Greenwich Street. Hearing September 9, 1998. Upon motion by Commissioner Schwartz, the Board voted 4-0 to **RECUSE** Commissioner Chin. After discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

ITEM D: Letter from Loretta Emerzian, appellant, requesting rehearing of Appeal No. 98-143, 3059 Washington Street. Hearing September 16, 1998. Upon motion by Vice President McInerney, the Board voted 1-3 (President Cullum and Commissioners Schwartz and Becerril dissented, Commissioner Chin absent) to uphold the department and grant the permit.

4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 98-159

4)
HERBERT CHANG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on September 2, 1998,
[for work done at 3250 Market
[Street.
[APPLICATION NO. 9816052.
[FOR HEARING TODAY.

APPEAL NO. 98-167

(B)
CECILIA CHAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on September 11, 1998,
[for work done at 301 Toland
[Street.
[APPLICATION NO. 9705444.
[FOR HEARING TODAY.

APPEAL NO. 98-175

(C)
JAIME CARRIAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[September 28, 1998, for work
[done at 1996 - 25th Street
[APPLICATION NO. 9622349.
[FOR HEARING TODAY.

APPEAL NO. 98-169

(5)
GARRY NICHOL, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[31, 1998, to Raymond del Portillo, site permit to Erect a
[Building (three-story single fam
[dwelling) at 51 Arbor Street.
[APPLICATION NO. 9801484S.
[FOR HEARING TODAY.

APPEAL NO. 98-098

(6)
AI L. ZENG, dba "MAI'S MASSAGE",
Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on May 27, 1998,
[of massage establishment
[permit at 461 Bush Street.
[PERMIT NO. 080522.
[FOR HEARING TODAY.

APPEAL NO. 98-109

(7)
DO VAN DANG, dba "SUSU SPA",
Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on June 9, 1998,
[of massage establishment
[permit at 943 Geary Street.
[PERMIT NO. 084415.
[FOR HEARING TODAY.

APPEAL NO. 98-119

(8)
IN SOOK HA, dba "LEE'S MASSAGE",
Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on May 18, 1998,
[of massage establishment
[permit at 1284 Mission Street.
[PERMIT NO. 084416.
[FOR HEARING TODAY.

APPEAL NO. 98-126

(9)
ARNOLD LAUB, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on June 26,
[1998, to Eugene Gillis, permit
[to Alter a Building (replace
[wall, open doors, add fireplace and replace window)
[at 1964 Pacific Avenue #4.
[APPLICATION NO. 9811994.
[FOR HEARING TODAY.

tems (10A), (10B) and (10C) shall be heard together

APPEAL NO. 98-146

JAMES M. HOUILLION & JOE McCUNE, Appellants vs. DEPT. BUILDING INSPECTION, Respondent	[Protesting issuance on August [6, 1998, to Vahdani Group, permit [to Alter a Building (interior [demolition-removing fixtures and [finishes) at 560 Haight Street. [APPLICATION NO. 9815286. [FOR HEARING TODAY.

LOA)

APPEAL NO. V98-161

560 HAIGHT STREET GROUP, Appellant vs. ZONING ADMINISTRATOR, Respondent	[Appeal of Condition #3 of Rear [Yard and Dwelling Unit Exposure [Variances (allow conversion of [church to residential use with [18 dwelling units and 18 parking [spaces) granted on September 4, [1998 for property at 560 Haight [Street. [VARIANCE CASE NO. 98.007V [FOR HEARING TODAY.

LOB)

APPEAL NO. V98-168

CECILIA ANN SHEPARD, Appellant vs. ZONING ADMINISTRATOR, Respondent	[Appeal of Rear Yard and Dwelling [Unit Exposure Variances (allow [conversion of church to residential use with 18 dwelling units [and 18 parking spaces) granted [to The Vahdani Group, on [September 4, 1998 for property [at 560 Haight Street. [VARIANCE CASE NO. 98.007V. [FOR HEARING TODAY.

LOC)

ate posted: October 8, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ALICIA D. BECERRIL	COMMISSIONER
ARNOLD Y.K. CHIN	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

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REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, OCTOBER 14, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: Vice President John McInerney, Commissioners Alicia Becerril, Arnold Chin, and Mauri Schwartz.

Gerald Green, Director of the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Helen Chin, Official Court Reporter.

ABSENT: President Carole Cullum.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

ADOPTION OF FINDINGS ORDERED BY SUPERIOR COURT:

ITEM A: Appeal No. 97-092, denial of taxicab stock transfer request from Yellow Cab Cooperative, Inc. by the Police Commission dated May 29, 1997 (Resolution No. 73-97. Hearing April 1, 1998. Upon motion by Commissioner Schwartz, the Board voted 2-3 (President Cullum, Commissioners Salgado and Chin dissented) to overrule the Police Commission. The motion failed and the Police Commission was **UPHELD**.

ACTION: Upon motion by Commissioner Schwartz, the Board voted 3-0 to **RECUSE** Commissioner Becerril because she did not participate in the April 1, 199 hearing. Then after discussion, upon motion by Commissioner Schwartz, the Board voted 3-0 to **ADOPT** amended findings.

SPEAKERS: Thomas Owen, Deputy City Attorney; and Philip Ward, attorney for Yello Cab.

REQUESTS FOR REHEARING:

ITEM B: Letter from Sharon and Mark Dolev, appellants, requesting rehearing of Appea No. 98-125, 2370 Broadway Street. Hearing September 2, 1998. Upon motion by Commissioner Chin, the Board voted 4-0 to **RECUSE** Vice President McInerney. After discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

ACTION: **RESCHEDULED** to **October 21, 1998** prior to hearing because of lack of fou voting members.

ITEM C: Letter from Tom Whelan and Jeannine Yeomans, appellants, requesting rehearin of Appeal No. 98-140, 303 Greenwich Street. Hearing September 9, 1998. Upon motio by Commissioner Schwartz, the Board voted 4-0 to **RECUSE** Commissioner Chin. Afte discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to **UPHOLD** th department and **GRANT** the permit.

ACTION: **RESCHEDULED** to **October 21, 1998** because of lack of four voting members.

ITEM D: Letter from Loretta Emerzian, appellant, requesting rehearing of Appea No. 98-143, 3059 Washington Street. Hearing September 16, 1998. Upon motion Vice President McInerney, the Board voted 1-3 (President Cullum and Commissioner Schwartz and Becerril dissented, Commissioner Chin absent) to uphold the departmen and grant the permit.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board vote 4-0 to **GRANT** rehearing and scheduled it for **October 28, 1998.**

SPEAKERS: Loretta Emerzian, appellant; and W. Davis Larsen, architect for perm holder.

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Boa proceeded to a vote without testimony to reduce the penalty (investigation fee) two times the regular fee as provided for in the Building Code.

APPEAL NO. 98-159

(A)

HERBERT CHANG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on September 2, 1998,
[for work done at 3250 Market
[Street.
[APPLICATION NO. 9816052.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Becerril, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $85.15 for a total of $170.30.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-167

(B)
CECILIA CHAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on September 11, 1998,
[for work done at 301 Toland
[Street.
[APPLICATION NO. 9705444.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Becerril, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $459.55 for a total of $919.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-175

(C)
JAIME CARRIAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[September 28, 1998, for work
[done at 1996 - 25th Street
[APPLICATION NO. 9622349.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Becerril, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $248.30 for a total of $496.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-169

(5)
GARRY NICHOL, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[31, 1998, to Raymond del Portillo, site permit to Erect a
[Building (three-story single family
[dwelling) at 51 Arbor Street.
[APPLICATION NO. 9801484S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Becerril, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS** agreed to by the parties.

SPEAKERS: The parties were present but did not speak.

APPEAL NO. 98-098

(6)
AI L. ZENG, dba "MAI'S MASSAGE",
Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on May 27, 1998,
[of massage establishment
[permit at 461 Bush Street.
[PERMIT NO. 080522.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **November 4, 1998** prior to hearing.

APPEAL NO. 98-109

(7)
DO VAN DANG, dba "SUSU SPA",
Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on June 9, 1998,
[of massage establishment
[permit at 943 Geary Street.
[PERMIT NO. 084415.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing.

APPEAL NO. 98-119

(8)
IN SOOK HA, dba "LEE'S MASSAGE",
Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on May 18, 1998,
[of massage establishment
[permit at 1284 Mission Street.
[PERMIT NO. 084416.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **November 4, 1998** prior to hearing.

APPEAL NO. 98-126

(9)
ARNOLD LAUB, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on June 26,
[1998, to Eugene Gillis, permit
[to Alter a Building (replace
[wall, open doors, add fire-
[place and replace window)
[at 1964 Pacific Avenue #4.
[APPLICATION NO. 9811994.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to **UPHOLD** the d partment and **GRANT** the permit with **CONDITIONS** as agreed to by the partie

SPEAKERS: The parties were present but did not speak.

Items (10A), (10B) and (10C) were heard together

APPEAL NO. 98-146

(10A)
JAMES M. HOUILLION & JOE McCUNE,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on August
[6, 1998, to Vahdani Group, permit
[to Alter a Building (interior
[demolition-removing fixtures and
[finishes) at 560 Haight Street.
[APPLICATION NO. 9815286.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

APPEAL NO. V98-161

560 HAIGHT STREET GROUP, Appellant
(10B) vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Condition #3 of Rear
[Yard and Dwelling Unit Exposure
[Variances (allow conversion of
[church to residential use with
[18 dwelling units and 18 parking
[spaces) granted on September 4,
[1998 for property at 560 Haight
[Street.
[VARIANCE CASE NO. 98.007V
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to **OVERRULE** the Zoning Administrator and **AMEND** Condition 3 to change the window height from floor to 45 inches.

APPEAL NO. V98-168

CECILIA ANN SHEPARD, Appellant
(10C) vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Rear Yard and Dwelling
[Unit Exposure Variances (allow
[conversion of church to residen-
[tial use with 18 dwelling units
[and 18 parking spaces) granted
[to The Vahdani Group, on
[September 4, 1998 for property
[at 560 Haight Street.
[VARIANCE CASE NO. 98.007V.
[FOR HEARING TODAY.

ACTION: The Board was polled as to whether the Negative Declaration had been reviewed and considered. All answered and replied "aye". After discussion and testimony, upon motion by Commissioner Chin, the Board voted 4-0 to **UPHOLD** the Zoning Administrator and **GRANT** the variance.

SPEAKERS: Joel McCune, Cecilia Shepard, James Houllion, appellants; Lynn Elman, Lisa Cardone, Edmond Moore, Arlene Sen, William Cordone, Lestor Horton, Patricia Miller, Donald Hinckley, Lynne Provancha, Lesia Thornton, Larry Acherman, Eric Baldwin, Erin Fisher, Beau Alexander, Michele Walsh, Zachary Hatch, Sharon McGowan, Michael Welborn, Mark Sheldon, Roy Hundley, Jeff Hirsch, Toni Beeson, Marc Vogel, Natalie Price, David Woods, Anthony Masucci, Stanley Lamontagne, James Washburn, in support of appellants; Gerald Green, Director of Planning Department; Jeremy Paul, agent for permit holder; Rochelle McCune, Hilda Senity, Otis Maxwell, Jean Russ, Jerry Goode, Russell Ware, Carol Huddle, in support of the project; Dan Paris, architect for permit holder; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, OCTOBER 14, 1998 (cont'd.)

The Board recessed from 6:17 to 6:33 p.m. and 7:45 to 7:58 p.m.

There being no further business, Vice President McInerney adjourned the meeting at 9:2 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Cour Reporter, (415) 362-4440.

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Agenda

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, OCTOBER 21, 1998

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Sharon and Mark Dolev, appellants, requesting rehearing of Appeal No. 98-125, 2370 Broadway Street. Hearing September 2, 1998. Upon motion by Commissioner Chin, the Board voted 4-0 to **RECUSE** Vice President McInerney. After discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

ITEM B: Letter from Tom Whelan and Jeannine Yeomans, appellants, requesting rehearing of Appeal No. 98-140, 303 Greenwich Street. Hearing September 9, 1998. Upon motion by Commissioner Schwartz, the Board voted 4-0 to **RECUSE** Commissioner Chin. After discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

Items (4A) and (4B) shall be heard together

APPEAL NO. 98-057

(4A)
RATHNEW CORPORATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1998, of
[permit to Demolish a Building
[at 1725 Lake Street.
[APPLICATION NO. 9721774.
[FOR REHEARING TODAY.

APPEAL NO. 98-058

(4B)
RATHNEW CORPORATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1998, of
[permit to Erect a Building
[(three-stories, two units)
[at 1723-1725 Lake Street.
[APPLICATION NO. 9721775S.
[FOR REHEARING TODAY.

APPEAL NO. 98-141

(5)
JANET RAE-DUPREE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 17,
[1998, to Liz Welsh, permit to
[Alter a Building (extension of
[dining and family rooms; add
[new deck on main floor; add
[two upstairs bedrooms) at
[at 2646 Broderick Street.
[APPLICATION NO. 9806740S.
[FOR HEARING TODAY.

APPEAL NO. 98-151

NEAL SIEGEL, Appellant
(6) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[3, 1998, to Steve Roseman,
[permit to Alter a Building
[(add kitchen cabinetry and
[third story addition) at
[4444 - 24th Street.
[APPLICATION NO. 9714306S.
[FOR HEARING TODAY.

Items (7A), (7B) and (7C) shall be heard together

APPEAL NO. 98-149

COALITION FOR JOBS, ARTS & HOUSING,
Appellant
(7A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 31,
[1998, to 1001 - 23rd Street LLC,
[permit to Erect a Building (20
[live/work units) at 1099 - 23rd
[Street.
[APPLICATION NO. 9715551.
[FOR HEARING TODAY.

APPEAL NO. 98-150

COALITION FOR JOBS, ARTS & HOUSING,
Appellant
(7B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 31,
[1988, to 1001 - 23rd Street LLC,
[permit to Erect a Building (20
[live/work units) at 1011 - 23rd
[Street.
[APPLICATION NO. 9715550.
[FOR HEARING TODAY.

APPEAL NO. 98-162

COALITION FOR JOBS, ARTS & HOUSING,
Appellant
(7C) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[21, 1988, to 1001 - 23rd Street
[LLC, permit to Erect a Building
[(20 live/work units) at
[1207 Indiana Street.
[APPLICATION NO. 9715552.
[FOR HEARING TODAY.

Date posted: October 15, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ALICIA D. BECERRIL	COMMISSIONER
ARNOLD Y.K. CHIN	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, OCTOBER 21, 1998
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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Alicia Becerril, Arnold Chin, and Mauri Schwartz.

Gerald Green, Director of the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Helen Chin, Official Court Reporter.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE**:

REQUESTS FOR REHEARING:

ITEM A: Letter from Sharon and Mark Dolev, appellants, requesting rehearing of Appeal No. 98-125, 2370 Broadway Street. Hearing September 2, 1998. Upon motion by Commissioner Chin, the Board voted 4-0 to **RECUSE** Vice President McInerney. After discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to **RECUSE** Vic
President McInerney, who left the room before testimony. After discus
sion, upon motion by Commissioner Becerril, the Board voted 3-1 (Commi
sioner Schwartz dissented) to **DENY** the request for rehearing.

SPEAKERS: Shelly Dolev, for appellants; Joel Yodowitz, attorney for permit holder
Laurence Kornfield, Chief Building Inspector for the Department of Build
ing Inspection; and Judith Boyajian, Deputy City Attorney.

ITEM B: Letter from Tom Whelan and Jeannine Yeomans, appellants, requesting rehearin
of Appeal No. 98-140, 303 Greenwich Street. Hearing September 9, 1998. Upon motio
by Commissioner Schwartz, the Board voted 4-0 to **RECUSE** Commissioner Chin. Afte
discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to **UPHOLD** th
department and **GRANT** the permit.

ACTION: Upon motion by President Cullum, the Board voted 4-0 to **RECUSE** Commis
sioner Chin, who left the room before testimony. After discussion, upo
motion by Vice President McInerney, the Board voted 4-0 to **DENY** the re
quest for rehearing.

SPEAKERS: Jeannine Yeomans, appellant; Peter Andresen and Jean Steyaert, permi
holders; and Andrew Blyholder, architect for permit holders.

Items (4A) and (4B) were heard together

APPEAL NO. 98-057

(4A)
RATHNEW CORPORATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1998, of
[permit to Demolish a Building
[at 1725 Lake Street.
[APPLICATION NO. 9721774.
[FOR REHEARING TODAY.

APPEAL NO. 98-058

(4B)
RATHNEW CORPORATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1998, of
[permit to Erect a Building
[(three-stories, two units)
[at 1723-1725 Lake Street.
[APPLICATION NO. 9721775S.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 5-
to **CONTINUE** the matter to **December 2, 1998** due to illness of appellant'
attorney.

SPEAKERS: Alice Barkley, attorney for appellant; Gerald Green, Director of th
Planning Department; and Stephen Williams, attorney for neighbors.

APPEAL NO. 98-141

(5) JANET RAE-DUPREE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 17,
[1998, to Liz Welsh, permit to
[Alter a Building (extension of
[dining and family rooms; add
[new deck on main floor; add
[two upstairs bedrooms) at
[at 2646 Broderick Street.
[APPLICATION NO. 9806740S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Stephen Williams, attorney for appellant; James Hunt, Brooke Sampson, Austin Williams, Justin Cohen, in support of appellant; David Cincotta, attorney for permit holder; Marty Zwick, architect for permit holder; Gerald Green, Director of the Planning Department; Liz and Bill Welsh, permit holders; and Jim Maddox, contractor for the permit holders.

APPEAL NO. 98-151

(6) NEAL SIEGEL, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[3, 1998, to Steve Roseman,
[permit to Alter a Building
[(add kitchen cabinetry and
[third story addition) at
[4444 - 24th Street.
[APPLICATION NO. 9714306S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with modification as approved by Planning Commission for reduced-profile deck.

SPEAKERS: Neal Siegel, appellant; Gerald Green, Director of the Planning Department; Steve Roseman, permit holder; and Cyrus Frank, attorney for appellant.

Items (7A), (7B) and (7C) were heard together

APPEAL NO. 98-149

(7A) COALITION FOR JOBS, ARTS & HOUSING, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 31,
[1998, to 1001 - 23rd Street LLC,
[permit to Erect a Building (20
[live/work units) at 1099 - 23rd
[Street.
[APPLICATION NO. 9715551.
[FOR HEARING TODAY.

APPEAL NO. 98-150

COALITION FOR JOBS, ARTS & HOUSING, Appellant
(7B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 31,
[1988, to 1001 - 23rd Street LLC,
[permit to Erect a Building (20
[live/work units) at 1011 - 23rd
[Street.
[APPLICATION NO. 9715550.
[FOR HEARING TODAY.

APPEAL NO. 98-162

COALITION FOR JOBS, ARTS & HOUSING, Appellant
(7C) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[21, 1988, to 1001 - 23rd Street
[LLC, permit to Erect a Building
[(20 live/work units) at
[1207 Indiana Street.
[APPLICATION NO. 9715552.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to **RECUSE** Vic President McInerney. Then upon motion by Commissioner Chin, the Boar voted 4-0 to **CONTINUE** the matter to **December 2, 1998** due to illness c permit holder's attorney.

SPEAKERS: Alice Barkley, attorney for permit holder.

There being no further business, President Cullum adjourned the meeting at 7:46 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Cou Reporter, (415) 362-4440.

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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, OCTOBER 28, 1998

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

DOCUMENTS DEPT.
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(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

APPEAL NO. 97-154

MARIA DEL CARMEN RAMIREZ, dba "NUEVO RAMIREZ FLORES", Appellant
(3) vs.
ZONING ADMINISTRATOR, Respondent

[Order to cease violation of the Planning Code issued November 3, 1997 by the Zoning Administrator ordering that the retail open-air flower shop at 3136 - 23rd Street cease operation by November 21, 1997 because it is located in a RH-3 zoning district which does not permit commercial uses.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 98-090

DIANA TRINH, dba "SOPHIA'S SPA", Appellant
(4) vs.
POLICE DEPARTMENT, Respondent

[Revocation on May 8, 1998, of massage establishment permit at 1020 Geary Street.
[FOR HEARING TODAY.

APPEAL NO. 98-097

MOO JIN YI, dba "EMPIRE SPA", Appellant
(5) vs.
POLICE DEPARTMENT, Respondent

[Revocation on May 26, 1998, of massage establishment permit at 428 O'Farrell Street.
[FOR HEARING TODAY.

APPEAL NO. 98-156

YANCE O. KING, Appellant
(6) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 17, 1998, to Morgan Rauh, permit to Alter a Building (400 s.f. horizontal and vertical addition including bedroom and bath upstairs) at 138 Shakespeare Street.
[APPLICATION NO. 9801790.
[FOR HEARING TODAY.

APPEAL NO. V98-152

(7) JANICE McKEVITT, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial of Rear Yard and Off-Street Parking Variances (contruct an addition to the front of the existing vacant accessory building at the rear of the property, and convert the building into a third dwelling unit) at 1852-1854 Golden Gate Avenue.
[VARIANCE CASE NO. 98.373V.
[FOR HEARING TODAY.

Items (8A) and (8B) shall be heard together

APPEAL NO. 98-158

(8A) LOUIE LADOW & PETER WITT, Appellants
vs.
POLICE COMMISSION, Respondent

[Police Commission's Public Convenience and Necessity Findings issued August 18, 1998 that 400 new taxicab medallions are authorized and that the initial 25 be unrestricted, 50 be ramped, 100 be subject to peak-time operating conditions and the remaining 225 be issued at such times and with conditions as the Police Commissio deems appropriate.
[FOR HEARING TODAY.

APPEAL NO. 98-160

(8B) JACK TRAD, Appellant
vs.
POLICE COMMISSION, Respondent

[Police Commission's Public Convenience and Necessity Findin issued August 18, 1998 that 400 new taxicab medallions are autho ized and that the initial 25 be unrestricted, 50 be ramped, 100 be subject to peak-time operating conditions and the remaining 225 be issued at such times and with conditions as the Police Commissic deems appropriate.
[FOR HEARING TODAY.

Date posted: October 22, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ALICIA D. BECERRIL	COMMISSIONER
ARNOLD Y.K. CHIN	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

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Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, OCTOBER 28, 1998

## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

APPEAL NO. 97-154

(3)
MARIA DEL CARMEN RAMIREZ, dba
"NUEVO RAMIREZ FLORES", Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Order to cease violation of the
[Planning Code issued November
[3, 1997 by the Zoning Adminis-
[trator ordering that the retail
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[by November 21, 1997 because it
[is located in a RH-3 zoning
[district which does not permit
[commercial uses.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 98-143

(4)
LORETTA EMERZIAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 22,
[1998, to Larry Cook, permit to
[Alter a Building (add deck off
[kitchen at rear of building)
[at 3059 Washington Street.
[APPLICATION NO. 9813967.
[FOR REHEARING TODAY.

APPEAL NO. 98-090

(5)
DIANA TRINH, dba "SOPHIA'S SPA",
Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on May 8, 1998,
[of massage establishment
[permit at 1020 Geary Street.
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(6)
MOO JIN YI, dba "EMPIRE SPA",
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vs.
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[Revocation on May 26, 1998,
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[permit at 428 O'Farrell Street.
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YANCE O. KING, Appellant
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[Denial of Rear Yard and Off-
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[(contruct an addition to the
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(9A) vs.
POLICE COMMISSION, Respondent

[Police Commission's Public Con-
[venience and Necessity Findings
[issued August 18, 1998 that 400
[new taxicab medallions are author-
[ized and that the initial 25 be
[unrestricted, 50 be ramped, 100
[be subject to peak-time operating
[conditions and the remaining 225
[be issued at such times and with
[conditions as the Police Commission
[deems appropriate.
[FOR HEARING TODAY.

APPEAL NO. 98-160

JACK TRAD, Appellant
(9B) vs.
POLICE COMMISSION, Respondent

[Police Commission's Public Con-
[venience and Necessity Findings
[issued August 18, 1998 that 400
[new taxicab medallions are author-
[ized and that the initial 25 be
[unrestricted, 50 be ramped, 100
[be subject to peak-time operating
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HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

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28/98

MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, OCTOBER 28, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Alicia Becerril, Arnold Chin, and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Helen Chin, Official Court Reporter.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Supervisor Gavin Newsom spoke on behalf of the Taxicab Task Force on Appeal Nos. 98-158 and 98-160 (Items 9A and 9B).

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

APPEAL NO. 97-154

MARIA DEL CARMEN RAMIREZ, dba
"NUEVO RAMIREZ FLORES", Appellant
(3) vs.
ZONING ADMINISTRATOR, Respondent

[Order to cease violation of the
[Planning Code issued November
[3, 1997 by the Zoning Adminis-
[trator ordering that the retail
[open-air flower shop at 3136 -
[23rd Street cease operation
[by November 21, 1997 because it
[is located in a RH-3 zoning
[district which does not permit
[commercial uses.
[FOR FURTHER HEARING TODAY.

ACTION: **CONTINUED** to **December 2, 1998** to allow Zoning Administrator to determin whether a conditional use can be applied for.

SPEAKERS: Stanley Hilton, attorney for appellant; and Robert Passmore, Zoning Administrator for the Planning Department.

APPEAL NO. 98-143

LORETTA EMERZIAN, Appellant
(4) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 22,
[1998, to Larry Cook, permit to
[Alter a Building (add deck off
[kitchen at rear of building)
[at 3059 Washington Street.
[APPLICATION NO. 9813967.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Becerril, the Board vote 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Loretta Emerzian, appellant; Sidney Gerkin, in support of appellant David Larkin, architect for permit holder; and Julie Cook, appellant.

APPEAL NO. 98-090

DIANA TRINH, dba "SOPHIA'S SPA",
Appellant
(5) vs.
POLICE DEPARTMENT, Respondent

[Revocation on May 8, 1998,
[of massage establishment
[permit at 1020 Geary Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Becerril, the Board vote voted 4-1 (Commissioner Chin dissented) to **UPHOLD** the department a **REVOKE** the permit.

SPEAKERS: Sergeant William Coggan, attorney and Inspector Bob Davis, for S.F.P.D Judith Boyajian, Deputy City Attorney; Robert Selvidge, attorney f appellant; and Jeremy Paul, in support of appellant.

APPEAL NO. 98-097

MOO JIN YI, dba "EMPIRE SPA",
Appellant
(6) vs.
POLICE DEPARTMENT, Respondent

[Revocation on May 26, 1998,
[of massage establishment
[permit at 428 O'Farrell Street.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing to **November 18, 1998** at request of appellant.

APPEAL NO. 98-156

YANCE O. KING, Appellant
(7) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[17, 1998, to Morgan Rauh, permit
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[horizontal and vertical addi-
[tion including bedroom and
[bath upstairs) at 138 Shake-
[speare Street.
[APPLICATION NO. 9801790.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Yance King, appellant; Mona King, support of appellant; Morgan Rauh, permit holder; Robert Passmore, Zoning Administrator for the Planning Department; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

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[VARIANCE CASE NO. 98.373V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 2-3 (Vice President McInenerny, Commissioners Becerril and Schwartz dissented) to overrule the Zoning Administrator and grant the variance. Four votes are needed to overrule and the motion fails. The denial is **UPHELD**.

SPEAKERS: Robert Passmore, Zoning Administrator for Planning Department; Janice McKevitt, appellant; Colleen Boyd, architect for appellant; Diedra Booker, in support of appellant.

Items (9A) and (9B) were heard together

APPEAL NO. 98-158

(9A) LOUIE LADOW & PETER WITT, Appellants
vs.
POLICE COMMISSION, Respondent

[Police Commission's Public Convenience and Necessity Findings issued August 18, 1998 that 400 new taxicab medallions are authorized and that the initial 25 be unrestricted, 50 be ramped, 100 be subject to peak-time operating conditions and the remaining 225 be issued at such times and with conditions as the Police Commissio
[deems appropriate.
[FOR HEARING TODAY.

APPEAL NO. 98-160

(9B) JACK TRAD, Appellant
vs.
POLICE COMMISSION, Respondent

[Police Commission's Public Convenience and Necessity Findings issued August 18, 1998 that 400 new taxicab medallions are authorized and that the initial 25 be unrestricted, 50 be ramped, 100 be subject to peak-time operating conditions and the remaining 225 be issued at such times and with conditions as the Police Commissio
[deems appropriate.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 5- to **UPHOLD** the Police Commission with the following **CONDITIONS** requirin the Police to take steps to issue 300 medallions immediately, with 25 unrestricted medallions issued by February 27, 1999, at 75 per month with 20 in both November and December and 10 in January for ramped cabs and related conditions.

SPEAKERS: Thomas Owen, Deputy City Attorney for Police Commission, Louie Ladow Jack Trad, and Peter Witt, appellants; and Bruce Oka, Jeffrey Pollock Joe Mirabile, Kathleen Harrington, Mark Runnell, Kevin Wesley, Lauri Graham, Joseph Fleishman, Frank Walter, Corette Reed, Joyce Lieberman Ms. Rodney, James Bartlett, Linda Bowles, John Martins, Ione Clay, Tanish Call, Sequicia Garry, Renida Lee, Mr. Cunha, Yumpta Pidas, Cory Clyde Elisa Daniel, Charles Korbel, William Holst, Nathan Dwiri, Ann McBay Wayne Lazar, Colin McHarry, Ken Cleveland, Mary Ann Goudreau, Jeff Byrd Lawson, Marvyn Warren, Latara Reed, Deborah Drew, Moses Drew, Keith Raskin, Mr. Fahey, Dennis Brown, John Goodson, Tom Carson, Tom Kreden, Mann Howell, Dave Barlow, Suzie Friedman, Patricia Breslin, Jote Kejela, Akled Goodlite, Mark Gruberg, Hamid Mohammed, Gail Noddy, Helen Hoffman, Rc Matlin, Mary Ann Houda, Racha Makaria, Stuart Selickson, Joseph Arrigc Ralph Davidson, Brian Palston, James Nakamura, in support of Polic Commission.

There being no further business, President Cullum adjourned the meeting at 11:56 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.

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/4/98

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, NOVEMBER 4, 1998

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from James R. Reardon, requesting that the Board take jurisdiction over Building Permit Application No. 9721029S issued to Deborah Hohenberg to replace and upgrade foundation; rebuild rear porch additions; raise roof pitch; add dormers for master bedroom; and seismic upgrade of entire building at 226 Ellsworth Street.

Date permit issued	September 30, 1998
Last day to appeal	October 15, 1998
Request for jurisdiction	October 19, 1998

REQUEST FOR REHEARING:

ITEM B: Letter from Joe McCune and James Houillion, appellants, requesting rehearing of Appeal No. 98-146, protest of alteration permit issued on August 6, 1998, to Vahdani Group, for removal of fixtures and finishes at 560 Haight Street. Hearing October 14, 1998. Upon motion by Commissioner Chin, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

APPEAL NO. 98-191

(4)	RICHARD TSE, Appellant vs. DEPT. BUILDING INSPECTION, Respondent	[Appeal for Refund of Penalty [imposed on October 22, 1998, [for work done at 274 Silver [Avenue. [APPLICATION NO. 9820584. [FOR HEARING TODAY.

Items (5A) and (5B) shall be heard together

APPEAL NO. 98-052

(5A)	WILFREDO MENDOZA, Appellant vs. DEPT. BUILDING INSPECTION, Respondent	[Protesting issuance on March 11, [1998, to Wai-Ming Luk, permit [to Alter a Building (upgrade [electrical wiring, replace window, [install skylight, remodel kitchen, [insulate walls where accessible) [at 3647 - 23rd Street. [APPLICATION NO. 9804149. [FOR FURTHER HEARING TODAY.

APPEAL NO. 98-127

(5B)
WILFREDO MENDOZA, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1,
[1998, to Wai Ming Luk, permit
[to Alter a Building (remove
[interior walls to convert two
[unit building to single family
[dwelling) at 3647 - 23rd Street.
[APPLICATION NO. 9810383.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 98-087

(6)
THE S.F. TREE COUNCIL AND NORTH-
POINT RESIDENTS & NEIGHBORS, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on May 1,
[1998, to Northpoint Land LLC,
[permit to Remove and Replace
[four trees on the Bay Street
[frontage of 2211 Stockton and
[2310 Powell Streets.
[ORDER NO. 171,009.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 98-165

(7)
SCOTT CHANDLER & JUDITH BONHIVER,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[3, 1998, to Bruce L. Colton,
[permit to Alter a Building
[(new three floor horizontal rear
[addition with deck; new off street
[parking space in front yard with
[new driveway and curb cut) at
[1769 Noe Street.
[APPLICATION NO. 9714747S.
[FOR HEARING TODAY.

APPEAL NO. V98-166

(8)
ALBERT Y. YU, et al., Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on August
[24, 1998, to Marianne Ades, Rear
[Yard Variance (demolish existing
[two-story, single-family dwelling
[and construct a new two-story,
[single-family dwelling with a
[rear deck and wheelchair ramp)
[at 466 - 15th Avenue.
[VARIANCE CASE NO. 97.491V.
[FOR HEARING TODAY.

Date posted: October 29, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ALICIA D. BECERRIL	COMMISSIONER
ARNOLD Y.K. CHIN	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Carole Cullum, President, and be received at the Board office, 875 Stevenson Street, Room 440, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and nine copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 554-9510.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, NOVEMBER 4, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Alicia Becerril and Mauri Schwartz.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Helen Chin, Official Court Reporter.

ABSENT: Commissioner Arnold Chin.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE**:

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from James R. Reardon, requesting that the Board take jurisdiction over Building Permit Application No. 9721029S issued to Deborah Hohenberg to replace and upgrade foundation; rebuild rear porch additions; raise roof pitch; add dormer for master bedroom; and seismic upgrade of entire building at 226 Ellsworth Street.

Date permit issued	September 30, 1998
Last day to appeal	October 15, 1998
Request for jurisdiction	October 19, 1998

ACTION: After discussion, upon motion by Vice President McInerney, the Boar voted 4-0 to **DENY** the request for jurisdiction.

SPEAKERS: James Reardon, requestor; Deborah Hohenberg and John Carpenter, permi holders; and Darrien Jelling, architect for permit holder.

REQUEST FOR REHEARING:

ITEM B: Letter from Joe McCune and James Houillion, appellants, requesting rehearin of Appeal No. 98-146, protest of alteration permit issued on August 6, 1998, to Vahdani Group, for removal of fixtures and finishes at 560 Haight Street. Hearing October 14, 1998. Upon motion by Commissioner Chin, the Board voted 4-0 to **UPHOLD** th department and **GRANT** the permit.

ACTION: After discussion, upon motion by Vice President McInerney, the Boar voted 4-0 to **DENY** the request for rehearing.

SPEAKERS: James Houillion, appellant; Jeremy Paul, agent for permit holder; Lyn Ellman, in support of appellants.

APPEAL NO. 98-191

RICHARD TSE, Appellant
(4) vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on October 22, 1998,
[for work done at 274 Silver
[Avenue.
[APPLICATION NO. 9820584.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President McInerney, the Board voted 4-0 to **OVERRUL** the department with the **CONDITION** that the penalty be reduced to tw times the regular fee of $459.55 for a total of $919.10.

SPEAKER: The appellant was present but did not speak.

Items (5A) and (5B) were heard together

APPEAL NO. 98-052

WILFREDO MENDOZA, Appellant
(5A) vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 11,
[1998, to Wai-Ming Luk, permit
[to Alter a Building (upgrade
[electrical wiring, replace window,
[install skylight, remodel kitchen,
[insulate walls where accessible)
[at 3647 - 23rd Street.
[APPLICATION NO. 9804149.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 98-127

WILFREDO MENDOZA, et al., Appellants
(5B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1,
[1998, to Wai Ming Luk, permit
[to Alter a Building (remove
[interior walls to convert two
[unit building to single family
[dwelling) at 3647 - 23rd Street.
[APPLICATION NO. 9810383.
[FOR FURTHER HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing to **December 9, 1998.**

APPEAL NO. 98-087

THE S.F. TREE COUNCIL AND NORTH-POINT RESIDENTS & NEIGHBORS, Appellants
(6) vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on May 1,
[1998, to Northpoint Land LLC,
[permit to Remove and Replace
[four trees on the Bay Street
[frontage of 2211 Stockton and
[2310 Powell Streets.
[ORDER NO. 171,009.
[FOR FURTHER HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing to **January 20, 1999.**

APPEAL NO. 98-165

SCOTT CHANDLER & JUDITH BONHIVER, Appellants
(7) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[3, 1998, to Bruce L. Colton,
[permit to Alter a Building
[(new three floor horizontal rear
[addition with deck; new off street
[parking space in front yard with
[new driveway and curb cut) at
[1769 Noe Street.
[APPLICATION NO. 9714747S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 3-1 (Commissioner Schwartz dissented) to uphold the department and grant the permit with conditions. Four votes are needed to impose conditions. The permit is **UPHELD** with no conditions.

SPEAKERS: Scott Chandler, appellant; Darla Radcliffe and Annamarie Faro, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; Laurence Kornfield, Chief Building Inspector for the Building Department; Denise Leadbetter, attorney for permit holder; Bruce Colton, permit holder; and Debbie Stansbury, Melanie Mandry, Leslie O'Brien, in support of permit holder.

The Board recessed from 7:09 to 7:19 p.m.

APPEAL NO. V98-166

(8)
ALBERT Y. YU, et al., Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on August
[24, 1998, to Marianne Ades, Rear
[Yard Variance (demolish existing
[two-story, single-family dwelling
[and construct a new two-story,
[single-family dwelling with a
[rear deck and wheelchair ramp)
[at 466 - 15th Avenue.
[VARIANCE CASE NO. 97.491V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 4- to **UPHOLD** the Zoning Administrator and to **GRANT** the variance with **CONDITIONS:** The parapet shall be reduced from 3'x16' to 3'10' as agreed t by the variance holder.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Alber Yu and Nancy McEvers Anderson, appellants; Bill Washauer, attorney fo variance holder; and Richard Hannum, architect for variance holder.

There being no further business, President Cullum adjourned the meeting at 7:42 p.m.

Robert H. Feldman
Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Cour Reporter, (415) 362-4440.

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11/18/98

Agenda

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, NOVEMBER 18, 1998

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Robert Selvidge, attorney for Diana Trinh, appellant, requesting rehearing of Appeal No. 98-090, Sophia's Spa at 1020 Geary Street. Hearing October 28, 1998. Upon motion by Commissioner Becerril, the Board voted 4-1 (Commissioner Chin dissented) to **UPHOLD** the department and **REVOKE** the massage establishment permit.

ITEM B: Letter from Jack Trad, appellant, requesting rehearing of Appeal No. 160, Police Commission's Public Convenience and Necessity Findings that 400 new taxicab medallions are authorized and that the initial 25 be unrestricted, 50 be ramped, 100 be subject to peak-time operating conditions and the remaining 225 be issued at such times and with conditions as the Police Commission deems appropriate. Hearing October 28, 1998. Upon motion by President Cullum, the Board voted 5-0 to **UPHOLD** the Police Commission with **CONDITIONS** requiring the Police to take steps to issue 300 medallions immediately, with 250 unrestricted medallions issued by February 27, 1999, at 75 per month, with 20 in both November and December and 10 in January for ramped cabs, and related conditions.

APPEAL NO. 98-119

4)
IN SOOK HA, dba "LEE'S MASSAGE",
Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on May 18, 1998,
[of massage establishment
[permit at 1284 Mission Street.
[PERMIT NO. 084416.
[FOR HEARING TODAY.

APPEAL NO. 98-164

5)
33 POWELL STREET CORP., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Denial on September 4, 1998,
[of permit to Alter a Building
[(record floor plans; written
[summary of room counts and
[classifications) at 28 Cyril
[Magnin and 17-33 Powell Streets.
[APPLICATION NO. 9704921.
[FOR HEARING TODAY.

Items (6A), (6B) and (6C) shall be heard together

APPEAL NO. 98-032

(6A)
FRANKLIN S. HOLLEY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[13, 1998, to Margaret Rogerson,
[permit to Alter a Building (roof
[top addition-add an apartment
[at third floor and garage space
[at basement) at 3516-18 Sacrament
[Street.
[APPLICATION NO. 9712688S.
[FOR REHEARING TODAY.

APPEAL NO. 98-033

(6B)
JOHN S. AGER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[13, 1998, to Margaret Rogerson,
[permit to Alter a Building (roof
[top addition-add an apartment
[at third floor and garage space
[at basement) at 3516-18 Sacrament
[Street.
[APPLICATION NO. 9712688S.
[FOR REHEARING TODAY.

APPEAL NO. 98-034

(6C)
JOHN B. LOWRY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[13, 1998, to Margaret Rogerson,
[permit to Alter a Building (roof
[top addition-add an apartment
[at third floor and garage space
[at basement) at 3516-18 Sacrament
[Street.
[APPLICATION NO. 9712688S.
[FOR REHEARING TODAY.

APPEAL NO. 98-046

(7)
GERARDO PINTO & MARIANNE RUDDY,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 6, 1998, of
[permit to Alter a Building
[(legalize flat on ground floor;
[add windows in kitchen and
[living room; add fan and light
[in bathroom; provide fire wall
[and door between garage and
[flat) at 1506-08 Alabama Street.
[APPLICATION NO. 9802518S.
[FOR HEARING TODAY.

APPEAL NO. 98-187

(8)
EMERIC KALMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[5, 1998, to Tom Hlavenka,
[permit to Alter a Building
[(500 s.f. second story addition
[at rear to include bedroom,
[closet and bathroom; new appliances in kitchen; reconfigure
[bathroom; new French doors to
[new rear deck less than 18"
[above grade; structural upgrading in garage) at 214 Granville
[Way.
[APPLICATION NO. 9811484.
[FOR HEARING TODAY.

APPEAL NO. 98-157

(9) MARY RISLEY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Order dated August 14, 1998 by
[the Zoning Administrator ad-
[dressed to the appellant to
[cease all cooking classes to
[groups of people and holding
[events for fees and any other
[non-residential activities at
[1734 Broderick Street that do
[not comply fully with provisions
[of Planning Code Sections 204
[and 204.1 which regulate accessory
[non-residential use of property
[in RH-2 districts.
[FOR HEARING TODAY.

ate posted: November 12, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ALICIA D. BECERRIL	COMMISSIONER
ARNOLD Y.K. CHIN	COMMISSIONER
MAURI SCHWARTZ	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

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Other persons desiring to speak before the Board on an appeal may speak once fo up to three minutes.

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Pursuant to Government Code Section 65009, if you challenge, in court, the approva of a variance or development permit, you may be limited to raising only those issue you or someone else raised at the public hearing described in this notice, or i written correspondence delivered to the Board of Appeals at, or prior to, the publi hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior t hearing, or are taken out of order to accommodate special needs. The Board urge all parties to be present in the hearing room from 5:30 p.m. so that everyone ha an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, NOVEMBER 18, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: Emeric Kalman on Board procedures for submittal and review of plans.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: Vice President McInerney apologized for being late to the meeting and Commissioner Becerril commented on difficulty of finding parking.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Robert Selvidge, attorney for Diana Trinh, appellant, requesting rehearing of Appeal No. 98-090, Sophia's Spa at 1020 Geary Street. Hearing October 28, 1998. Upon motion by Commissioner Becerril, the Board voted 4-1 (Commissioner Chin dissented) to **UPHOLD** the department and **REVOKE** the massage establishment permit.

ACTION: **WITHDRAWN** by attorney for appellant prior to hearing.

ITEM B: Letter from Jack Trad, appellant, requesting rehearing of Appeal No. 98-160, Police Commission's Public Convenience and Necessity Findings that 400 new taxicab medallions are authorized and that the initial 25 be unrestricted, 50 be ramped, 100 be subject to peak-time operating conditions and the remaining 225 be issued at such times and with conditions as the Police Commission deems appropriate. Hearing October 28, 1998. Upon motion by President Cullum, the Board voted 5-0 to **UPHOLD** the Police Commission with **CONDITIONS** requiring the Police to take steps to issue 300 medallions immediately, with 250 unrestricted medallions issued by February 27, 1999, at 75 per month, with 20 in both November and December and 10 in January for ramped cabs, and related conditions.

ACTION: After discussion, upon motion by Commissioner Schwartz, the Board voted 5-0 to **DENY** the request for rehearing.

SPEAKERS: Jack Trad, appellant; and Thomas Owen, Deputy City Attorney.

APPEAL NO. 98-119

(4)

IN SOOK HA, dba "LEE'S MASSAGE",
Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on May 18, 1998,
[of massage establishment
[permit at 1284 Mission Street.
[PERMIT NO. 084416.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing to **December 9, 1998** at request of attorney for appellant with agreement of SFPD (Sergeant Coggan).

APPEAL NO. 98-164

(5)

33 POWELL STREET CORP., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Denial on September 4, 1998,
[of permit to Alter a Building
[(record floor plans; written
[summary of room counts and
[classifications) at 28 Cyril
[Magnin and 17-33 Powell Streets.
[APPLICATION NO. 9704921.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the permit with the **CONDITION** that the total room count be 151, 49 of which must be residential.

SPEAKERS: Rosemary Bosque, Housing Inspector for the Department of Building Inspection; Robert Passsmore, Zoning Administrator for the Planning Department; John Sanger, attorney for appellant; and Judith Boyajian, Deputy City Attorney.

Items (6A), (6B) and (6C) were heard together

APPEAL NO. 98-032

(6A)

FRANKLIN S. HOLLEY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[13, 1998, to Margaret Rogerson,
[permit to Alter a Building (roof
[top addition-add an apartment
[at third floor and garage space
[at basement) at 3516-18 Sacramento
[Street.
[APPLICATION NO. 9712688S.
[FOR REHEARING TODAY.

APPEAL NO. 98-033

JOHN S. AGER, Appellant
(6B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[13, 1998, to Margaret Rogerson,
[permit to Alter a Building (roof
[top addition-add an apartment
[at third floor and garage space
[at basement) at 3516-18 Sacramento
[Street.
[APPLICATION NO. 9712688S.
[FOR REHEARING TODAY.

APPEAL NO. 98-034

JOHN B. LOWRY, Appellant
(6C) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[13, 1998, to Margaret Rogerson,
[permit to Alter a Building (roof
[top addition-add an apartment
[at third floor and garage space
[at basement) at 3516-18 Sacramento
[Street.
[APPLICATION NO. 9712688S.
[FOR REHEARING TODAY.

ACTION: Permit abandoned prior to hearing and appeals are **ADMINISTRATIVELY WITHDRAWN**.

APPEAL NO. 98-046

GERARDO PINTO & MARIANNE RUDDY,
Appellants
(7) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 6, 1998, of
[permit to Alter a Building
[(legalize flat on ground floor;
[add windows in kitchen and
[living room; add fan and light
[in bathroom; provide fire wall
[and door between garage and
[flat) at 1506-08 Alabama Street.
[APPLICATION NO. 9802518S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 5-0 to **CONTINUE** the matter to **January 13, 1999** to allow the Department of Building Inspection to inspect the subject property and prepare a report for the Board.

SPEAKERS: Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Robert Passmore, Zoning Administrator for the Planning Department; and Gerardo Pinto, appellant.

The Board recessed from 7:33 to 7:49 p.m.

APPEAL NO. 98-187

(8)
EMERIC KALMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[5, 1998, to Tom Hlavenka,
[permit to Alter a Building
[(500 s.f. second story addition
[at rear to include bedroom,
[closet and bathroom; new appli-
[ances in kitchen; reconfigure
[bathroom; new French doors to
[new rear deck less than 18"
[above grade; structural upgrad-
[ing in garage) at 214 Granville
[Way.
[APPLICATION NO. 9811484.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Becerril, the Board voted 5-0 to **UPHOLD** the department with Section 311 Findings by the Planning Commission.

SPEAKERS: Emeric Kalman, appellant; Roy Doyle and Joan Gerardo, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Tom Hlavenka, permit holder; and Louise Ogden and Debra Lopez, in support of permit holder.

APPEAL NO. 98-157

(9)
MARY RISLEY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Order dated August 14, 1998 by
[the Zoning Administrator ad-
[dressed to the appellant to
[cease all cooking classes to
[groups of people and holding
[events for fees and any other
[non-residential activities at
[1734 Broderick Street that do
[not comply fully with provisions
[of Planning Code Sections 204
[and 204.1 which regulate accessory
[non-residential use of property
[in RH-2 districts.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 2-3 (Commissioners Becerril, Chin and Schwartz dissented) to overrule the Zoning Administrator with **CONDITIONS**. Four votes are needed and the motion failed. The cease order is **UPHELD**.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Warre and Carla Hashagen, David Natcher, Paul and Janet Warren; Nadine Bagel John Markert, Andre and Janice Bolaffi, Mary Margaret Ward, Courtne

Clarkson, Peter Kocks, Allan Knudson, Patricia Vaughey, in support of Zoning Administrator; David Cincotta, attorney for appellant; Mary Risley, appellant; and Cab Caplan, Mary Brower, Doug Troyer, Cherie Scricca, Doris Lee Love, Rhonda Robinson, Richard Johnson, Matt Field, Jeff Pearl, Loretta Keller, in support of appellant.

There being no further business, President Cullum adjourned the meeting at 10:37 p.m.

Robert H Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.

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12/9/98

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, DECEMBER 9, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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(1) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(A) Resolution of thanks to Mauri Schwartz. For adoption.

(B) Welcome to Commissioner Sabrina N. Saunders.

(2) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(3) **REQUEST FOR REHEARING:** Letter from Emeric Kalman, appellant, requesting rehearing of Appeal No. 98-187, 214 Granville Way. Hearing November 18, 1998. Upon motion by Commissioner Becerril, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with Section 311 Findings by the Planning Commission.

APPEAL NO. 98-119

(4)
IN SOOK HA, dba "LEE'S MASSAGE", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on May 18, 1998,
[of massage establishment
[permit at 1284 Mission Street.
[PERMIT NO. 084416.
[FOR HEARING TODAY.

Items (5A) and (5B) shall be heard together

APPEAL NO. 98-131

(5A)
JOTE KEJELA, dba "TAXI TAXI", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on July 10, 1998,
[of Color Scheme permit at
[77 Charter Oak Avenue.
[FOR HEARING TODAY.

APPEAL NO. 98-153

(5B)
JOTE KEJELA, dba "TAXI TAXI", Appellant
vs.
POLICE COMMISSION, Respondent

[Revocation on August 6, 1998,
[of taxicab permit medallion
[No. 789.
[RESOLUTION NO. 67-98.
[FOR HEARING TODAY.

Items (6A) and (6B) shall be heard together

APPEAL NO. 98-052

(6A)
WILFREDO MENDOZA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 11,
[1998, to Wai-Ming Luk, permit
[to Alter a Building (upgrade
[electrical wiring, replace window,
[install skylight, remodel kitchen,
[insulate walls where accessible)
[at 3647 - 23rd Street.
[APPLICATION NO. 9804149.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 98-127

(6B)
WILFREDO MENDOZA, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1,
[1998, to Wai Ming Luk, permit
[to Alter a Building (remove
[interior walls to convert two
[unit building to single family
[dwelling) at 3647 - 23rd Street.
[APPLICATION NO. 9810383.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 98-134

(7)
EVA MAE THOMAS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 13,
[1998, to Bonnie Spindler, permit
[to Alter a Building (remove two
[illegal units) at 348-350 Scott
[Street.
[APPLICATION NO. 9810814.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 98-176

(8)
KATHERINE HIJAR & CARLOS WILLINGHAM,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[16, 1998, to Ivan Rainer and Ruth
[Rainero, permit to Alter a Buil
[ing (merge units at second and
[third floors into one unit;
[interior partition walls; replace
[some existing doors and railings;
[replace some deck railings) at
[1249 - 17th Avenue.
[APPLICATION NO. 9811035S.
[FOR HEARING TODAY.

APPEAL NO. 98-178

(9)
HANNA BAQAIN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Disapproval on September 17,
[1998 by the Zoning Adminis-
[trator of a Health Permit
[Application Zoning Referral
[for a Small Self-Service
[Restaurant with tables and
[chairs at 1192 Guerrero Street
[under the NC-1 zoning district
[controls of Planning Code
[Section 710.44.
[FOR HEARING TODAY.

Date posted: December 3, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ALICIA D. BECERRIL	COMMISSIONER
ARNOLD Y.K. CHIN	COMMISSIONER
SABRINA N. SAUNDERS	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, DECEMBER 9, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Alicia Becerril, Arnold Chin, and Sabrina Saunders.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Helen Chin, Official Court Reporter.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(A) Resolution of thanks to Mauri Schwartz. For adoption.

ACTION: President Cullum read the resolution and proclamation by the Mayor declaring December 9, 1998 as "Mauri Schwartz Day" in the City.

(B) Welcome to Commissioner Sabrina N. Saunders.

ACTION: President Cullum welcomed Sabrina Saunders as a commissioner of the Board of Appeals.

(2) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Emeric Kalman requested the Board to require the certification of all plans submitted to the Board.

Jack Trad commented that the public microphone does not pick up testimony on tape of hearings.

(3) **REQUEST FOR REHEARING**: Letter from Emeric Kalman, appellant, requesting rehearing of Appeal No. 98-187, 214 Granville Way. Hearing November 18, 1998. Upon motion by Commissioner Becerril, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with Section 311 Findings by the Planning Commission.

ACTION: After discussion, upon motion by Commissioner Becerril, the Board voted 5-0 to **DENY** the request for rehearing.

SPEAKERS: Emeric Kalman, appellant; and Tom Hlavenka, permit holder.

APPEAL NO. 98-119

IN SOOK HA, dba "LEE'S MASSAGE",
Appellant
(4) vs.
POLICE DEPARTMENT, Respondent

[Revocation on May 18, 1998,
[of massage establishment
[permit at 1284 Mission Street.
[PERMIT NO. 084416.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** by appellant prior to hearing.

Items (5A) and (5B) were heard together

APPEAL NO. 98-131

JOTE KEJELA, dba "TAXI TAXI",
Appellant
(5A) vs.
POLICE DEPARTMENT, Respondent

[Revocation on July 10, 1998,
[of Color Scheme permit at
[77 Charter Oak Avenue.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 5-0 to **UPHOLD** the department and **REVOKE** the permit.

APPEAL NO. 98-153

JOTE KEJELA, dba "TAXI TAXI",
Appellant
(5B) vs.
POLICE COMMISSION, Respondent

[Revocation on August 6, 1998,
[of taxicab permit medallion
[No. 789.
[RESOLUTION NO. 67-98.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 3-2 to overrule the department and reinstate the permit. Four votes are needed and the motion failed. The revocation is **UPHELD**.

SPEAKERS: Sergeant William Coggan, attorney, Officer Farrell Suslow, Lieutenant Bruce Lorin and Sergeant Vincent Simpson, for S.F.P.D.; Margaret Baumgartner, Deputy City Attorney; Jote Kejela, appellant; Christopher Collins, attorney for appellant; and Jack Trad, in support of appellant.

Items (6A) and (6B) were heard together

APPEAL NO. 98-052

(6A)
WILFREDO MENDOZA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 11,
[1998, to Wai-Ming Luk, permit
[to Alter a Building (upgrade
[electrical wiring, replace window,
[install skylight, remodel kitchen,
[insulate walls where accessible)
[at 3647 - 23rd Street.
[APPLICATION NO. 9804149.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 98-127

(6B)
WILFREDO MENDOZA, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1,
[1998, to Wai Ming Luk, permit
[to Alter a Building (remove
[interior walls to convert two
[unit building to single family
[dwelling) at 3647 - 23rd Street.
[APPLICATION NO. 9810383.
[FOR FURTHER HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing to **CALL OF THE CHAIR**.

The Board recessed from 7:25 to 7:36 p.m.

APPEAL NO. 98-134

(7)
EVA MAE THOMAS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 13,
[1998, to Bonnie Spindler, permit
[to Alter a Building (remove two
[illegal units) at 348-350 Scott
[Street.
[APPLICATION NO. 9810814.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 4-1 (Vice President McInerney dissented) to **OVERRULE** the department and **DISAPPROVE** the permit.

SPEAKERS: Eva Mae Thomas, appellant; Anastasia Yovanopoulos, in support of appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection. The permit holder did not appear.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, DECEMBER 9, 1998 (cont'd.)

APPEAL NO. 98-176

KATHERINE HIJAR & CARLOS WILLINGHAM,
Appellants
(8) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[16, 1998, to Ivan Rainer and Ruth
[Rainero, permit to Alter a Build-
[ing (merge units at second and
[third floors into one unit;
[interior partition walls; replace
[some existing doors and railings;
[replace some deck railings) at
[1249 - 17th Avenue.
[APPLICATION NO. 9811035S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Becerril, the Board vote 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Carlos Willingham, appellant; Ruth Rainero, permit holder; David Amitu-anai, Lori Drinkwater, Margaret Mori, Patricia Arian, in support of permi holder; Robert Passmore, Zoning Administrator for the Planning Department and Scott Emblidge, attorney for permit holder.

APPEAL NO. 98-178

HANNA BAQAIN, Appellant
(9) vs.
ZONING ADMINISTRATOR, Respondent

[Disapproval on September 17,
[1998 by the Zoning Adminis-
[trator of a Health Permit
[Application Zoning Referral
[for a Small Self-Service
[Restaurant with tables and
[chairs at 1192 Guerrero Street
[under the NC-1 zoning district
[controls of Planning Code
[Section 710.44.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 5- to **CONTINUE** the matter to **January 13, 1999.**

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; an A. Nick Shamiyeh, attorney for appellant.

There being no further business, President Cullum adjourned the meeting at 8:26 p.m.

Robert H. Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Cou Reporter, (415) 362-4440.

SF
P30
#2
12/16/98

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, DECEMBER 16, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

DOCUMENTS DEPT.
DEC 1 4 1998
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(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

APPEAL NO. 98-097

(3)
MOO JIN YI, dba "EMPIRE SPA",
Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on May 26, 1998,
[of massage establishment
[permit at 428 O'Farrell Street.
[FOR HEARING TODAY.

APPEAL NO. 98-174

(4)
HARLAN & JUDITH KOCH, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[11, 1998, to Donald Goodkin,
[permit to Erect a Building (double
[garage) at 2522 Octavia Street.
[APPLICATION NO. 9811605.
[FOR HEARING TODAY.

APPEAL NO. 98-180

(5)
BARRY ROBINS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on September
[18, 1998, to Gordon Reynolds,
[permit to Alter a Building
[(convert second floor back to
[legal industrial use from ille-
[gal residential use; remove
[shower and sink installed with-
[out permit) at 743 Clementina
[Street.
[APPLICATION NO. 9818827.
[FOR HEARING TODAY.

APPEAL NO. 98-182

(6)
WILLIAM B. SHEKTER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[23, 1998, to Anthony Nash, permit
[to Alter a Building (install sky-
[light on existing roof curb) at
[3861-63 - 19th Street.
[APPLICATION NO. 9815762.
[FOR HEARING TODAY.

Items (7A) and (7B) shall be heard together

APPEAL NO. 98-015

(7A)
NATHAN & NAN G. ROTH, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated January 22,
[1998, that Demolition Permit No.
[837057 and Building Permit No.
[837537 were issued pursuant to
[Conditional Use Authorization
[granted by the Planning Commis-
[sion on November 17, 1994 (Motion
[No. 13782, File 93.180C) for the
[the property at 115 Telegraph
[Hill Blvd. and 363 Filbert Street
[(demolition), and that these
[permits and their plans are in
[compliance with the conditions
[attached to Motion No. 13782.
[FOR HEARING TODAY.

APPEAL NO. 98-095

(7B)
NANCY SHANAHAN & AARON PESKIN,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Letter dated May 13, 1998 by the
[Administrator addressed to the
[appellants describing the approva
[process of permits for constructi
[of a three dwelling unit building
[at 115 Telegraph Hill Blvd. and
[demolition permit for the buildin
[at 363 Filbert Street under Plan-
[ning Commission Motion No. 13782
[adopted November 17, 1994, and
[that the issuance on November
[17, 1997 of site permit No.
[9716089S for alterations to
[the rear building at 115 Tele-
[graph Hill Blvd. met the Commis-
[sion requirement that a permit
[must be issued for this phased
[conditional use authorization
[within three years of the Novem-
[ber 17, 1994 approval date.
[FOR HEARING TODAY.

APPEAL NO. 98-183

(8)
WHITNEY RYAN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Admi
[istrator dated September 28, 199
[that the existing garage at
[50 Pixley Street does not meet
[the provisions of Planning Code
[Section 154A for two off-street
[parking spaces, and that an off-
[street parking variance would
[be necessary for approval of
[a second unit on the side with
[only the existing garage.
[FOR HEARING TODAY.

APPEAL NO. V98-179

(9)
MARK MIRAVALLE, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on September 25, 1998
[of Rear Yard Variance (construct
[a one-story, two-car garage with
[roof deck above, 12-foot wide
[door and new staircase from the
[the third floor to the garage
[at the rear of an existing
[four-story, four unit building)
[at 2096-2098 Pine Street.
[VARIANCE CASE NO. 98.461V.
[FOR HEARING TODAY.

APPEAL NO. V98-186

VALERIE HANCOCK & DIMITRI DESMONS, Appellants (10) vs. ZONING ADMINISTRATOR, Respondent	[Protesting the granting on [October 8, 1998, to Sara Alexander, Rear Yard Variance [(expand the ground floor to [incorporate the space beneath [the existing first floor deck, [to laterally expand the existing first floor porch with a [roof deck above, and to legalize [an existing first floor deck [with a stairway connecting to [the ground, constructed without [a building permit, all at the [rear of the existing one-story [over garage, single-family [dwelling) at 50 Alma Street. [VARIANCE CASE NO. 98.295V. [FOR HEARING TODAY.

Date posted: December 10, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ALICIA D. BECERRIL	COMMISSIONER
ARNOLD Y.K. CHIN	COMMISSIONER
SABRINA N. SAUNDERS	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes fo rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once fo up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least fiv days prior to the date of hearing. In the event that a matter is continued t a specific date by the presiding officer and announced to the parties in the hearin room, no additional mailed notice will be sent. Please call the Board office a 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbe for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearin before the Board, should be addressed to Carole Cullum, President, and be receive at the Board office, 875 Stevenson Street, Room 440, no later than 4:00 p.m. th Thursday (six days) prior to the scheduled public hearing. Persons unable to atten the scheduled public hearing may submit written comments regarding a calendare item to the Board office. Comments received before noon on the day of the hearin will be made a part of the official record and will be brought to the attentio of the Board at the public hearing. For complete distribution to all Commissioner of the Board, necessary staff and case files, submit an original and nine copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approva of a variance or development permit, you may be limited to raising only those issue you or someone else raised at the public hearing described in this notice, or i written correspondence delivered to the Board of Appeals at, or prior to, the publi hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior t hearing, or are taken out of order to accommodate special needs. The Board urge all parties to be present in the hearing room from 5:30 p.m. so that everyone ha an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of decision and may be filed only by principals in the appeal. See Article 5, Sectio 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, DECEMBER 16, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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/16/98

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PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Alicia Becerril and Arnold Chin.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Helen Chin, Official Court Reporter.

ABSENT: Commissioner Sabrina Saunders.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Robert Passmore reported that Planning was unable to accept a conditional use application for the business at 1192 Guerrero which is before the Board as Appeal No. 98-178 and is scheduled for January 13, 1999.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: Vice President McInerney asked that sign-in cards be placed on seats to speed up the public hearing process.

Commissioner Chin complimented the staff on the 1997-1998 Annual Report.

APPEAL NO. 98-097

(3)
MOO JIN YI, dba "EMPIRE SPA",
Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on May 26, 1998,
[of massage establishment
[permit at 428 O'Farrell Street.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by attorney for appellant.

APPEAL NO. 98-174

(4)
HARLAN & JUDITH KOCH, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[11, 1998, to Donald Goodkin,
[permit to Erect a Building (double
[garage) at 2522 Octavia Street.
[APPLICATION NO. 9811605.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Becerril, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Harlan Koch, appellant; Robert Shafton and Shari Mitzer, in support of appellants; Robert Passmore, Zoning Administrator for the Planning Department; Steven Vettel, attorney for permit holder; Jack Wholey, attorney for appellants.

APPEAL NO. 98-180

(5)
BARRY ROBINS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on September
[18, 1998, to Gordon Reynolds,
[permit to Alter a Building
[(convert second floor back to
[legal industrial use from ille-
[gal residential use; remove
[shower and sink installed with-
[out permit) at 743 Clementina
[Street.
[APPLICATION NO. 9818827.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 1-3 (Vice President McInerney, Commissioners Becerril and Chin dissented) to overrule the department and deny the permit. Four votes are needed and the permit is **UPHELD**.

SPEAKERS: Barry Robins, appellant; and Brenda Cruz Keith, attorney for permit holder.

APPEAL NO. 98-182

(6)
WILLIAM B. SHEKTER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[23, 1998, to Anthony Nash, permit
[to Alter a Building (install sky-
[light on existing roof curb) at
[3861-63 - 19th Street.
[APPLICATION NO. 9815762.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS** as agreed to by the parties.

SPEAKERS: The parties were present but did not speak.

The Board recessed from 7:15 to 7:28 p.m.

Items (7A) and (7B) were heard together

APPEAL NO. 98-015

(7A)
NATHAN & NAN G. ROTH, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated January 22,
[1998, that Demolition Permit No.
[837057 and Building Permit No.
[837537 were issued pursuant to
[Conditional Use Authorization
[granted by the Planning Commis-
[sion on November 17, 1994 (Motion
[No. 13782, File 93.180C) for the
[the property at 115 Telegraph
[Hill Blvd. and 363 Filbert Street
[(demolition), and that these
[permits and their plans are in
[compliance with the conditions
[attached to Motion No. 13782.
[FOR HEARING TODAY.

APPEAL NO. 98-095

(7B)
NANCY SHANAHAN & AARON PESKIN,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Letter dated May 13, 1998 by the
[Administrator addressed to the
[appellants describing the approval
[process of permits for construction
[of a three dwelling unit building
[at 115 Telegraph Hill Blvd. and
[demolition permit for the building
[at 363 Filbert Street under Plan-

[ning Commission Motion No. 13782
[adopted November 17, 1994, and
[that the issuance on November
[17, 1997 of site permit No.
[9716089S for alterations to
[the rear building at 115 Telegraph Hill Blvd. met the Commission requirement that a permit
[must be issued for this phased
[conditional use authorization
[within three years of the November 17, 1994 approval date.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to **UPHOLD** the Zoning Administrator.

SPEAKERS: Charles Olson, attorney for appellants; Aaron Peskin, appellant; Arthur Chang, Jim Atwood, Nadya Williams, Cass Smith, in support of appellants; Robert Passmore, Zoning Administrator for the Planning Department; Robert McCarthy, attorney for permit holder; and Tracy Cooper, permit holder.

APPEAL NO. 98-183

(8)
WHITNEY RYAN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Administrator dated September 28, 1998
[that the existing garage at
[50 Pixley Street does not meet
[the provisions of Planning Code
[Section 154A for two off-street
[parking spaces, and that an off-street parking variance would
[be necessary for approval of
[a second unit on the side with
[only the existing garage.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** by appellant prior to hearing.

APPEAL NO. V98-179

(9)
MARK MIRAVALLE, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on September 25, 1998
[of Rear Yard Variance (construct
[a one-story, two-car garage with
[roof deck above, 12-foot wide
[door and new staircase from the
[the third floor to the garage
[at the rear of an existing
[four-story, four unit building)
[at 2096-2098 Pine Street.
[VARIANCE CASE NO. 98.461V.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** by appellant prior to hearing.

APPEAL NO. V98-186

VALERIE HANCOCK & DIMITRI DESMONS,
Appellants
(10) vs.
ZONING ADMINISTRATOR, Respondent

[Protesting the granting on
[October 8, 1998, to Sara Alex-
[ander, Rear Yard Variance
[(expand the ground floor to
[incorporate the space beneath
[the existing first floor deck,
[to laterally expand the exist-
[ing first floor porch with a
[roof deck above, and to legalize
[an existing first floor deck
[with a stairway connecting to
[the ground, constructed without
[a building permit, all at the
[rear of the existing one-story
[over garage, single-family
[dwelling) at 50 Alma Street.
[VARIANCE CASE NO. 98.295V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 4-0 to **UPHOLD** the Zoning Administrator and his findings.

SPEAKERS: F. Joseph Butler, representative for appellants; Robert Passmore, Zoning Administrator for the Planning Department; Allan Ridley, Diana Bray, in support of appellant; James Zack, architect for variance holder; Sara Alexander, variance holder; and Alice Micklewright and Larry Abel, in support of variance holder.

There being no further business, President Cullum adjourned the meeting at 9:24 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.

SF
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#2
12/23/98

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, DECEMBER 23, 1998

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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DEC 21 1998

[Note: After January 15, 1999 the Board will meet in Room 416, City Hall, 1 Dr. Carlton B. Goodlett Place.]

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 98-193

(A)
LEE BOK WANG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[October 29, 1998, for work
[done at 171 - 22nd Avenue.
[APPLICATION NO. 9816944.
[FOR HEARING TODAY.

APPEAL NO. 98-199

(B)
DINO SANDOVAL, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[November 9, 1998, for work
[done at 717 Silver Avenue.
[APPLICATION NO. 9820726.
[FOR HEARING TODAY.

APPEAL NO. 98-201

(C)
MARY WONG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[November 10, 1998, for work
[done at 59 Tioga Avenue.
[APPLICATION NO. 9818044.
[FOR HEARING TODAY.

Items (4A), (4B) and (4C) shall be heard together

APPEAL NO. 98-149

(4A)
COALITION FOR JOBS, ARTS & HOUSING,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 31,
[1998, to 1001 - 23rd Street LLC,
[permit to Erect a Building (20
[live/work units) at 1099 - 23rd
[Street.
[APPLICATION NO. 9715551.
[FOR HEARING TODAY.

APPEAL NO. 98-150

COALITION FOR JOBS, ARTS & HOUSING,
Appellant
(4B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 31,
[1988, to 1001 - 23rd Street LLC,
[permit to Erect a Building (20
[live/work units) at 1011 - 23rd
[Street.
[APPLICATION NO. 9715550.
[FOR HEARING TODAY.

APPEAL NO. 98-162

COALITION FOR JOBS, ARTS & HOUSING,
Appellant
(4C) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[21, 1988, to 1001 - 23rd Street
[LLC, permit to Erect a Building
[(20 live/work units) at
[1207 Indiana Street.
[APPLICATION NO. 9715552.
[FOR HEARING TODAY.

APPEAL NO. 98-170

KATHERINE B. CONGDON, Appellant
(5) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[8, 1998, to Charles R. Colety,
[permit to Alter a Building (add
[garage, remodel grade level storage
[to crafts and work rooms, remodel
[upper unit kitchen, add room and
[terrace at roof) at 167 Delmar
[Street.
[APPLICATION NO. 9725375S.
[FOR HEARING TODAY.

APPEAL NO. 98-172

0-100 BLOCK OF ARBOR STREET,
Appellants
(6) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[11, 1998, to Ai-Ren Lei, permit
[to Alter a Building (rebuid roof
[deck) at 39 Arbor Street.
[APPLICATION NO. 9818271.
[FOR HEARING TODAY.

APPEAL NO. 98-173

MARK B. JACOBS, Appellant
(7) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[11, 1998, to Peter Wilson, permit
[to Erect a Building (three stories
[with two dwelling units) at
[1224 - 1226 Kearny Street.
[APPLICATION NO. 9709731S.
[FOR HEARING TODAY.

APPEAL NO. V98-171

RODNEY C. CHEW, Appellant
(8) vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of rent restriction
[condition of Dwelling Unit
[Exposure Variance/Usable Open
[Space and Parking Exceptions
[(change occupancy of the subject building to four dwelling
[units by legalizing the existing
[basement level dwelling unit,
[and converting the existing
[second story dwelling unit into
[two dwelling units)
[at 746-48 Commercial Street.
[VARIANCE CASE NO. 98.621V.
[FOR HEARING TODAY.

Items (9A) and (9B) shall be heard together

APPEAL NO. 98-057

RATHNEW CORPORATION, Appellant
(9A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1998, of
[permit to Demolish a Building
[at 1725 Lake Street.
[APPLICATION NO. 9721774.
[FOR REHEARING TODAY.

APPEAL NO. 98-058

RATHNEW CORPORATION, Appellant
(9B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1998, of
[permit to Erect a Building
[(three-stories, two units)
[at 1723-1725 Lake Street.
[APPLICATION NO. 9721775S.
[FOR REHEARING TODAY.

Date posted: December 17, 1998

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ALICIA D. BECERRIL	COMMISSIONER
ARNOLD Y.K. CHIN	COMMISSIONER
SABRINA N. SAUNDERS	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Carole Cullum, President, and be received at the Board office, 875 Stevenson Street, Room 440, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and nine copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, DECEMBER 23, 1998
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

DOCUMENTS DEPT.
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[Note: After January 15, 1999 the Board will meet in Room 416, City Hall, 1 Dr. Carlton B. Goodlett Place.]

PRESENT: President Carole Cullum, Commissioners Alicia Becerril, Arnold Chin and Sabrina Saunders.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Helen Chin, Official Court Reporter.

ABSENT: Vice President John McInerney.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: Mark Gruberg, UTW, on concerns about violations of Police regulations.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKER: Commissioner Saunders apologized for missing last week's meeting.

(3) **CONSENT ITEMS**: With the consent of the Department of Building Inspection the Boar proceeded to a vote on items 3A and 3C without testimony to reduce the penalty (investigation fee to two times the regular fee as provided for in the Building Code. Without consent the Board took testimony on item 3B and decided the appeal individually.

APPEAL NO. 98-193

LEE BOK WANG, Appellant
(A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[October 29, 1998, for work
[done at 171 - 22nd Avenue.
[APPLICATION NO. 9816944.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Becerril, the Board voted 4-0 to **OVERRUL** the department and reduce the penalty to two times the regular fee o $118.30 for a total of $236.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-199

DINO SANDOVAL, Appellant
(B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[November 9, 1998, for work
[done at 717 Silver Avenue.
[APPLICATION NO. 9820726.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 4- to **OVERRULE** the department and reduce the penalty to three times th regular fee of $297.05 for a total of $891.15.

SPEAKERS: Dino Sandoval, appellant; and Laurence Kornfield, Chief Building Inspecto for the Department of Building Inspection.

APPEAL NO. 98-201

MARY WONG, Appellant
(C) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[November 10, 1998, for work
[done at 59 Tioga Avenue.
[APPLICATION NO. 9818044.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Becerril, the Board voted 4-0 to **OVERRUL** the department and reduce the penalty to two times the regular fee o $297.05 for a total of $594.10.

SPEAKERS: The appellant was present but did not speak.

Items (4A), (4B) and (4C) were heard together

APPEAL NO. 98-149

COALITION FOR JOBS, ARTS & HOUSING,
Appellant
(4A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 31,
[1998, to 1001 - 23rd Street LLC,
[permit to Erect a Building (20
[live/work units) at 1099 - 23rd
[Street.
[APPLICATION NO. 9715551.
[FOR HEARING TODAY.

APPEAL NO. 98-150

COALITION FOR JOBS, ARTS & HOUSING,
Appellant
(4B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 31,
[1988, to 1001 - 23rd Street LLC,
[permit to Erect a Building (20
[live/work units) at 1011 - 23rd
[Street.
[APPLICATION NO. 9715550.
[FOR HEARING TODAY.

APPEAL NO. 98-162

COALITION FOR JOBS, ARTS & HOUSING,
Appellant
(4C) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[21, 1988, to 1001 - 23rd Street
[LLC, permit to Erect a Building
[(20 live/work units) at
[1207 Indiana Street.
[APPLICATION NO. 9715552.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **February 3, 1999** prior to hearing.

APPEAL NO. 98-170

KATHERINE B. CONGDON, Appellant
(5) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[8, 1998, to Charles R. Colety,
[permit to Alter a Building (add
[garage, remodel grade level storage
[to crafts and work rooms, remodel
[upper unit kitchen, add room and
[terrace at roof) at 167 Delmar
[Street.
[APPLICATION NO. 9725375S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with Section 311 findings by the Planning department.

SPEAKERS: Bruce Bonacker, architect for permit holder; and Robert Passmore, Zoning Administrator for the Planning Department. The appellant did not appear.

APPEAL NO. 98-172

0-100 BLOCK OF ARBOR STREET,
Appellants
(6) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[11, 1998, to Ai-Ren Lei, permit
[to Alter a Building (rebuild roof
[deck) at 39 Arbor Street.
[APPLICATION NO. 9818271.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** by appellant prior to hearing.

APPEAL NO. 98-173

MARK B. JACOBS, Appellant
(7) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[11, 1998, to Peter Wilson, permit
[to Erect a Building (three stories
[with two dwelling units) at
[1224 - 1226 Kearny Street.
[APPLICATION NO. 9709731S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Becerril, the Board vote 4-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Peter Wilson, permit holder; and Robert Passmore, Zoning Administrato for the Planning Department. The appellant did not appear.

APPEAL NO. V98-171

RODNEY C. CHEW, Appellant
(8) vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of rent restriction
[condition of Dwelling Unit
[Exposure Variance/Usable Open
[Space and Parking Exceptions
[(change occupancy of the sub-
[ject building to four dwelling
[units by legalizing the existing
[basement level dwelling unit,
[and converting the existing
[second story dwelling unit into
[two dwelling units)
[at 746-48 Commercial Street.
[VARIANCE CASE NO. 98.621V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 4- to **OVERRULE** the Zoning Administrator with new **CONDITIONS** requiring tha two of the one-bedroom units be reserved for use by Section 8 or simila proposed tenants.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; an Rodney Chew, apppellant.

Items (9A) and (9B) shall be heard together

APPEAL NO. 98-057

RATHNEW CORPORATION, Appellant
(9A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1998, of
[permit to Demolish a Building
[at 1725 Lake Street.
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[FOR REHEARING TODAY.

APPEAL NO. 98-058

RATHNEW CORPORATION, Appellant
(9B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1998, of
[permit to Erect a Building
[(three-stories, two units)
[at 1723-1725 Lake Street.
[APPLICATION NO. 9721775S.
[FOR REHEARING TODAY.

ACTION: **RESCHEDULED** to **February 10, 1999** prior to hearing.

There being no further business, President Cullum adjourned the meeting at 6:15 p.m.

Robert H. Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.

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